

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1046 of 2020

Mani

...Petitioner

-vs-

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goonda Section), Vepery,
Chennai - 7.
3. The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai - 66.
4. The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the entire records connected with the detention order of the second respondent in No.150/BCDFGISSSV/2020 dated 28.02.2020, quash the same and direct the respondents to produce the body and person of the petitioner's son namely Jayavel, son of Mani, aged about 38 years, detained in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Mohamed Ansar

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the father of Jayavel, son of Mani, aged about 38 years, who is the detenu. The detenu has been detained by the second respondent in connection with the order in No.150/BCDFGISSSV/2020 dated 28.02.2020, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially the inquest report at Page No.189 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.150/BCDFGISSSV/2020 dated 28.02.2020 passed by the second respondent is set aside. The detenu, namely, Jayavel, son of Mani, aged about 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goonda Section), Vepery,
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3. The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai - 66.
4. The Inspector of Police,
T4 Maduravoyal Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government,
Public (Law & Order, Fort.St.George,
Chennai-9.

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