

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

Coram

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

H.C.P. No. 1088 of 2020

N.Meera Moideen ...Petitioner/Father of Detenue

vs

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai, Chennai City Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
3. The Superintendent of Central Prison
Central Prison, Puzhal, Chennai-6.
4. The Inspector of Police,
K10, Koyambedu Police Station,
Koyambedu, Chennai.

....Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records relating to the detention order vide Memo No.212/BCDFGISSSV/2020 dated 20.03.2020 passed by the second respondent and set aside the same and direct the respondents to produce the body of the detenu Mujibur Rahman, S/o. Meera Moideen, aged about 25 years now confined in Central Prison, Puzhal before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Mohamed Yasin

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 Mujibur Rahman, S/o. Meera Moideen, aged about 25 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.212/BCDFGISSSV/2020 dated 20.03.2020, 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. We have also perused the records produced by the Detaining Authority.

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 bail order pertaining to the similar case at Page No.114 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 Memo No.212/BCDFGISSSV/2020 dated 20.03.2020, passed by the second respondent is set aside. The detenu, namely, Mujibur Rahman, S/o. Meera Moideen, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

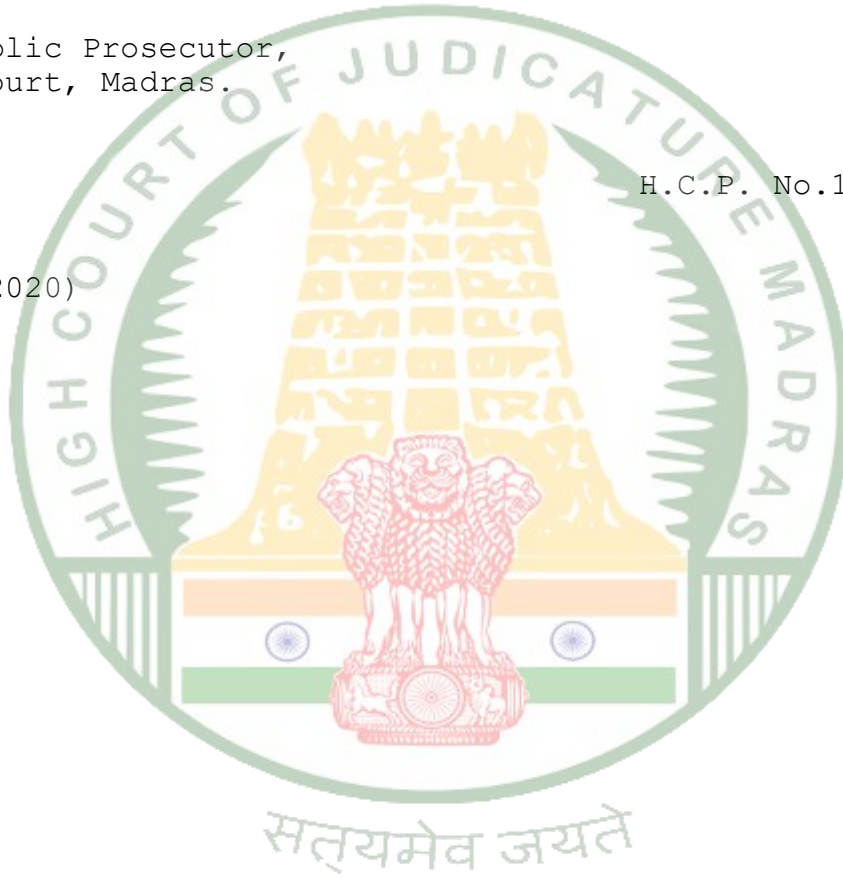
To

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Central Prison, Puzhal, Chennai.
5. The Public Prosecutor,
High Court, Madras.

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