

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

Coram

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

H.C.P. No. 1117 of 2020

Rukmani

...Petitioner

-vs-

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police / Detaining Authority,
City Police Office, Huzur Road, Coimbatore City,
Coimbatore - 18.
3. The Superintendent of Prison,
Central Prison - Coimbatore, Coimbatore District.
4. State rep. by its The Inspector of Police,
E-3 Saravanampatty Police Station,
Law & Order, Coimbatore District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 16.06.2020 on the file of the second respondent herein made in proceedings Memo C.No.40/G/IS/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely R.Senthilkumar @ Anjugam Nagar Senthil, S/o.Rajendran, aged 36 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

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 wife of R.Senthilkumar @ Anjugam Nagar Senthil, S/o.Rajendran, aged 36 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.No.40/G/IS/2020, dated 16.06.2020, 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 confession statement pertaining to second adverse case at Page No.54 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 C.No.40/G/IS/2020, dated 16.06.2020, passed by the second respondent is set aside. The detenu, namely, R.Senthilkumar @ Anjugam Nagar Senthil, S/o.Rajendran, aged 36 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

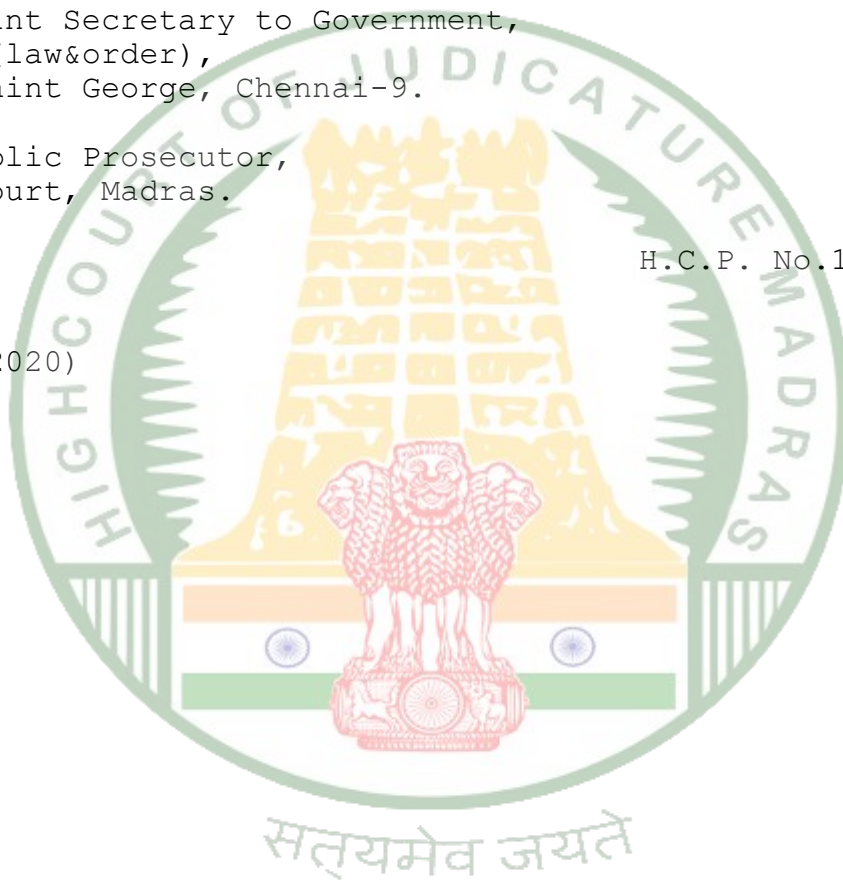
To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Commissioner of Police / Detaining Authority,
City Police Office, Huzur Road, Coimbatore City,
Coimbatore - 18.
3. The Superintendent of Prison,
Central Prison - Coimbatore, Coimbatore District.
4. The Inspector of Police,
E-3 Saravanampatty Police Station,
Law & Order, Coimbatore District.
5. The Joint Secretary to Government,
Public(law&order),
Fort saint George, Chennai-9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P. No.1117 of 2020

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