

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

Coram

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

H.C.P. No. 1147 of 2020

Violet Rani

...Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by its Secretary Home,
Prohibition and Excise Department
Fort St. George, Chennai-600 009.
 - 2.The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
(Goondas Section) Vepery, Chennai-600 007.
 - 3.The Superintendent of Prisons,
Puzhal Central Prison, Chennai-600 066.
 - 4.The Inspector of Police
V-6, Kolathur Police Station Kolathur,
Chennai-600 099.
- ... Respondents

Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to call for the records relating to the Detention Order 235/BCDFGISSSV/2020, order dated 09.06.2020 passed by the 2nd respondent, quash the same and direct the respondents to produce the detenu Ganesh, S/o.Sekar, now confined at Central Prison, Puzhal and set him at liberty.

For Petitioner : Mr.N.Suriyamuthu

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 mother of Ganesh, S/o.Sekar, male, aged 31 years, who is the detenu. The detenu has been detained by the second respondent by his order in No.235/BCDFGISSSV/2020, dated 09.06.2020, 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 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 similar case bail order at Page Nos. 134 and 135 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. 235/BCDFGISSSV/2020, dated 09.06.2020, passed by the second respondent is set aside. The detenu, namely, Ganesh, S/o.Sekar, aged 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mml/ssm

To

1.The Secretary,
State of Tamil Nadu
Home Prohibition and Excise Department
Fort St. George, Chennai-600 009.

2.The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
(Goondas Section) Vepery, Chennai-600 007.

3.The Superintendent of Prisons,
Puzhal Central Prison, Chennai-600 066.

4.The Inspector of Police
V-6, Kolathur Police Station Kolathur,
Chennai-600 099.

5.The Public Prosecutor,
High Court, Madras.

6.The Joint Secretary to Government,
Public(Law & Order) Department,
Secretariat, Chennai - 9.

H.C.P. No.1147 of 2020

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