

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. 1161 of 2020

Devi @ Vani

.. Petitioner

Vs.

- 1.The State Rep. By
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Ranipet, Ranipet District.
- 3.The Superintendent of Police,
Ranipet, Ranipet District.
- 4.The Superintendent of Prison,
Office of the Superintendent of Prisons,
Central Prison, Thorapadi,
Vellore District.
- 5.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam, Ranipet District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the entire records pursuant to the detention order issued by the second respondent vide No. B3/D.O.No.15/2020, dated 15.02.2020 and set aside the same and consequently direct the respondents to produce the detenu Abi @ Abishek, S/o.Mohanraj, aged about 24 years, husband of the petitioner now confined at Central Prison, Vellore, before this Court and set him at liberty.

Page numbers

For Petitioner : Mr.M.Sathish Kumar

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 Abi @ Abishek, S/o.Mohanraj, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent in connection with order in No. B3/D.O.No.15/2020, dated 15.02.2020, 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 similar case bail petition at Page No.23 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. B3/D.O.No.15/2020, dated 15.02.2020 passed by the second respondent is set aside. The

Page numbers

detenu, namely, Abi @ Abishek, S/o.Mohanraj, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Ranipet, Ranipet District.
- 3.The Superintendent of Police,
Ranipet, Ranipet District.
- 4.The Superintendent of Prison,
Office of the Superintendent of Prisons,
Central Prison, Thorapadi,
Vellore District.
- 5.The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam, Ranipet District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to the Govt.,
Public (Law & Order)
Fort St.George, Chennai-9.

NRL(CO)
CB(10/12/2020)

H.C.P. No. 1161 of 2020

Page numbers