

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

Coram

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

H.C.P. No. 1165 of 2020

Asokan

... Petitioner

Vs.

The State represented by its:

- 1.The Secretary to the Government (Home),
Prohibition and Excise Department,
Government of Tamilnadu, Fort St. George,
Chennai - 600 009.
 - 2.The Commissioner of Police,
Salem City, Salem District, Salem.
 - 3.The Superintendent of Prison,
Central Prison, Salem.
 - 4.The Inspector of Police,
Karuppur Police Station, Salem.
- ... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to call for the records of pertaining to the order of detention dated 19.05.2020 passed by the 2nd respondent in C.M.P.No.23/Goonda/SALEM CITY/2020 and quash the same and produce the detainee, Aravind, S/o. Asokan aged about 22 years, detained at Central prison, Salem, before this Court and set him at liberty.

For Petitioner : Dr.S.Manoharan

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 Aravind, S/o. Asokan, aged about 22 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.M.P.No.23/Goonda/SALEM CITY/2020 dated 19.05.2020, 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 F.I.R. pertaining to the adverse case at Page No.24 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.M.P.No.23/Goonda/SALEM CITY/2020 dated 19.05.2020 passed by the second respondent is set aside. The detenu, namely, Aravind, S/o. Asokan, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to the Government (Home),
Prohibition and Excise Department,
Government of Tamilnadu, Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Salem City, Salem District, Salem.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Inspector of Police,
Karuppur Police Station, Salem.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P. No.1165 of 2020

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