

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.1245 OF 2020

R.Murugan

... Petitioner

Vs

1. The State of Tamil Nadu, Rep. By its Secretary to Government, Prohibition and Excise Department, Secretariat, Chennai -9.
2. The District Collector and District Magistrate of Cuddalore District, Cuddalore District, Cuddalore.
3. The Superintendent of Police, Cuddalore District, Cuddalore.
4. The Superintendent of Prison, Central Prison, Puzhal, Chennai.
5. The Inspector of Police, Panruti Police Station, Cuddalore District.

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to produce the body of the detenu namely M. Deva @ Devanathan aged about 26 years, son of Murugan confined at Central Prison, Puzhal before this Court and set him at liberty forthwith, by calling for the records pertaining to the detention order C3/D.O./58/2020 dated 16.05.2020 passed by the 2nd respondent, quash the same.

For Petitioner : Mr.D.Lakshmipathy

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 M. Deva @ Devanathan aged about 26 years, son of Murugan, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O./58/2020 dated 16.05.2020, 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 observation mahazar at Page No.107 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 C3/D.O./58/2020 dated 16.05.2020 passed by the second respondent is set aside. The detenu, namely, M. Deva @ Devanathan aged about 26 years, son of Murugan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Prohibition and Excise Department,
Secretariat, Chennai -9.
2. The District Collector and District Magistrate
of Cuddalore District, Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District, Cuddalore.
4. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
5. The Inspector of Police,
Panruti Police Station, Cuddalore District.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1245 of 2020

EV(CO)
CS/20/01/2021



WEB COPY