

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

Coram

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

H.C.P. No. 1310 of 2020

V.Nandhini

... Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Home, Prohibition and Exercise Department,
Fort St. George,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Kancheepuram District.
- 3.The Superintendent of Police,
Kancheepuram District.
- 4.The Superintendent, Central Prison,
Puzhal, Chennai 600 066.
- 5.The Inspector of Police,
Padalam Circle,
Kancheepuram District.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus call for the entire records relating to the impugned order of detention passed by the 2nd respondent in BCDFGISSSV No. 64 /2019 dated 07.10.2019 and to set aside the same and consequently direct the respondents to produce the detenu namely R.Vedhachalam, Son of Ravi, Hindu aged about 23 years, now confined at Central Prison, Puzhal before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.C.Samivel

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.Vedhachalam, S/o.Ravi, aged about 23 years, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.64/2019, dated 07.10.2019, 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 bail petition pertaining to the similar case at Page No.157 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 BCDFGISSSV No. 64/2019, dated 07.10.2019 passed by the second respondent is set aside. The detenu, namely, R.Vedhachalam, S/o.Ravi, aged about 23 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

- 1.The Secretary,
Home, Prohibition and Exercise Department,
Fort St. George,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Kancheepuram District.
- 3.The Superintendent of Police,
Kancheepuram District.
- 4.The Superintendent, Central Prison,
Puzhal, Chennai 600 066.
- 5.The Inspector of Police,
Padalam Circle,
Kancheepuram District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

+1cc to M/s.C.Samivel, Advocate Sr.32581

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srg 06/11/2020