

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

Coram

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

H.C.P. No. 1250 of 2020

Kavitha

... Petitioner

Vs

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
- 2.The District Collector and District Magistrate,
Nagappattinam District, Nagappattinam.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Nagappattinam, Nagappattinam District.
- 4.The Superintendent of Prison,
Central Prison, Thiruchirappalli.
- 5.State rep. By The Inspector of Police,
Anaickaranchathiram Police Station,
Nagappattinam District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 24.06.2020 made in detention order on the file second respondent herein and made in proceedings in C.O.C. No.23 of 2020 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Thiru. Elangovan, son of Venkatesan, aged about 50/2020, who has been detained in Central Prison at Thiruchirappalli, before this Court and set him at liberty.

For Petitioner : M/s.Greetha
Senthilkumar

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 Elangovan, son of Venkatesan, aged about 50 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.O.C. No.23 of 2020 dated 24.06.2020 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. 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 inquest report at Page Nos.30 and 31 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.O.C. No.23 of 2020 dated 24.06.2020 passed by the second respondent is set aside. The detenu, namely, Elangovan, son of Venkatesan, aged about 50 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

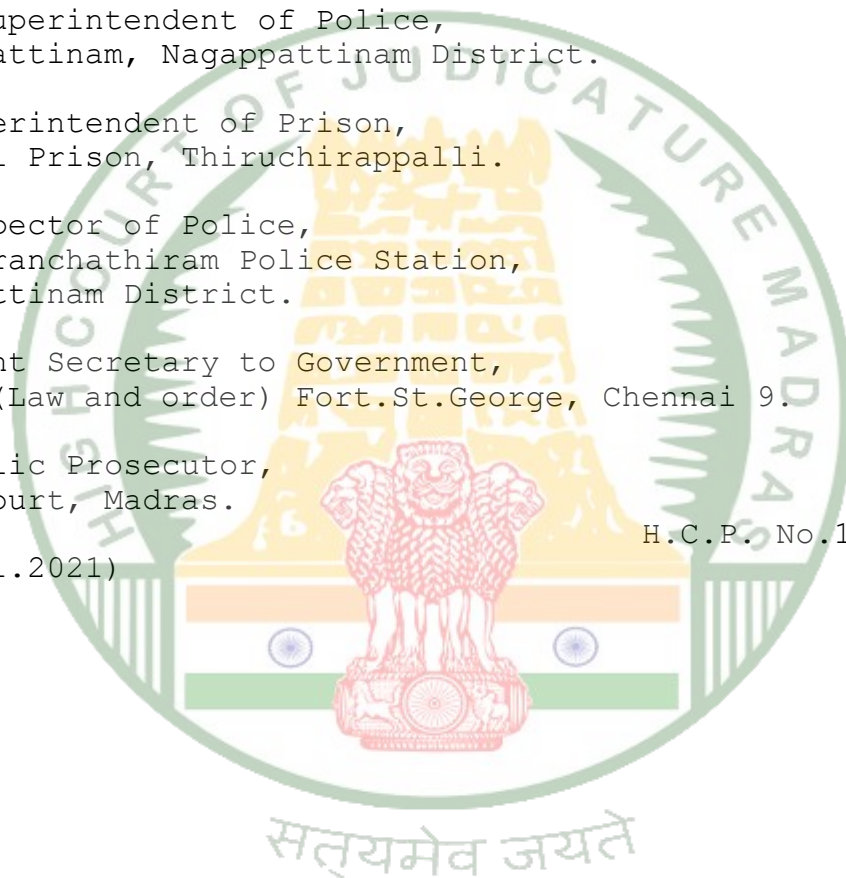
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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
- 2.The District Collector and District Magistrate,
Nagappattinam District, Nagappattinam.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Nagappattinam, Nagappattinam District.
- 4.The Superintendent of Prison,
Central Prison, Thiruchirappalli.
- 5.The Inspector of Police,
Anaickaranchathiram Police Station,
Nagappattinam District.
- 6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P. No.1250 of 2020

A.SK(18.01.2021)



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