

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.1377 OF 2020

Sadhana

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented By its Secretary, Police (L&O-F)
Department, Fort St. George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur District,
Tiruppur.
3. The Government of Tamil Nadu,
Represented By its Secretary, Home Affairs
(Department of Internal Security),
North Block,
New Delhi - 100 001.
4. The Superintendent of Police,
Office of Superintendent of Police,
Tiruppur District,
Tiruppur.
5. The Superintendent of Central Prison,
Central Prison, Coimbatore,
Coimbatore District.
6. The Inspector of Police,
Perumanallur Police Station,
Tiruppur District.

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records in detention order in Cr.M.P.No.10/N.S.A/2020 dated 01.04.2020 on the file of the 2nd Respondent and quash the same and direct the Respondents herein to produce the body of the petitioner's brother Thiru.Bhagavan Alias Nandhu Alias Nandhagopal, Male, aged about 50 Years, the detenu now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents Mr.R.Prathap Kumar,
: Addl. Public Prosecutor
for R1, R2 and R4 to R6

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the sister of Bhagavan alias Nandhu alias Nandhagopal, aged about 50 Years, S/o.Shanmugasundaram, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.10/N.S.A/2020 dated 01.04.2020. 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 counter and 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 164 statements at Page Nos.67 and 68 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 Cr.M.P.No.10/N.S.A/2020 dated 01.04.2020, passed by the second respondent is set aside. The detenu, namely, Bhagavan alias Nandhu alias Nandhagopal, aged about 50 Years, S/o.Shanmugasundaram, 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 Government of Tamil Nadu,
Represented By its Secretary, Police (L&O-F)
Department, Fort St. George, Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur District, Tiruppur.
3. The Government of Tamil Nadu,
Represented By its Secretary, Home Affairs
(Department of Internal Security), North Block,
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4. The Superintendent of Police,
Office of Superintendent of Police,
Tiruppur District, Tiruppur.
5. The Superintendent of Central Prison,
Central Prison, Coimbatore, Coimbatore District.
6. The Inspector of Police,
Perumanallur Police Station, Tiruppur District.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1377 of 2020

RV(CO)
CS/03/02/2021