

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1433 of 2020

Iraivani

... Petitioner

-vs-

1. Government of Tamil Nadu
Rep. By its Addl. Chief Secretary
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and
District Magistrate,
Kancheepuram District, Kancheepuram.
3. The Superintendent,
Central Prison, Vellore.
4. The Superintendent of Police,
Kancheepuram District.
5. The Inspector of Police
Manimangalam Circle,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the records in detention under BCDFGISSSV No.19 of 2020 and TDPA No. 7906 dated 18.03.2020 on the file of the second respondent and quash the same and direct the respondents herein to produce the body of detenu Karnan @ Chinna Karnan, M/A 32 years, son of Siga, now confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
for Mr.L.Ramu

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 Karnan @ Chinna Karnan, son of Siga, male, aged 32 years, who is the detenu. The detenu has been detained by the second respondent in connection with order in BCDFGISSSV No.19/2020 dated 18.03.2020, 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 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 Form 91 pertaining to similar case at Page No.103 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.19/2020 dated 18.03.2020 passed by the second respondent is set aside. The detenu, namely, Karnan @ Chinna Karnan, son of Siga, male, aged 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-sd-

Assistant Registrar

//True copy//

Sub Assistant Registrar

ssm

To

1.The Addl. Chief Secretary
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.

2 The Joint Secretary to Government
Public [Law and Order]
Fort st.George, Secretariat, Chennai-600 009

3.The District Collector and District Magistrate,
Office of the District Collector and
District Magistrate,
Kancheepuram District, Kancheepuram.

4.The Superintendent,
Central Prison, Vellore.

5.The Superintendent of Police,
Kancheepuram District.

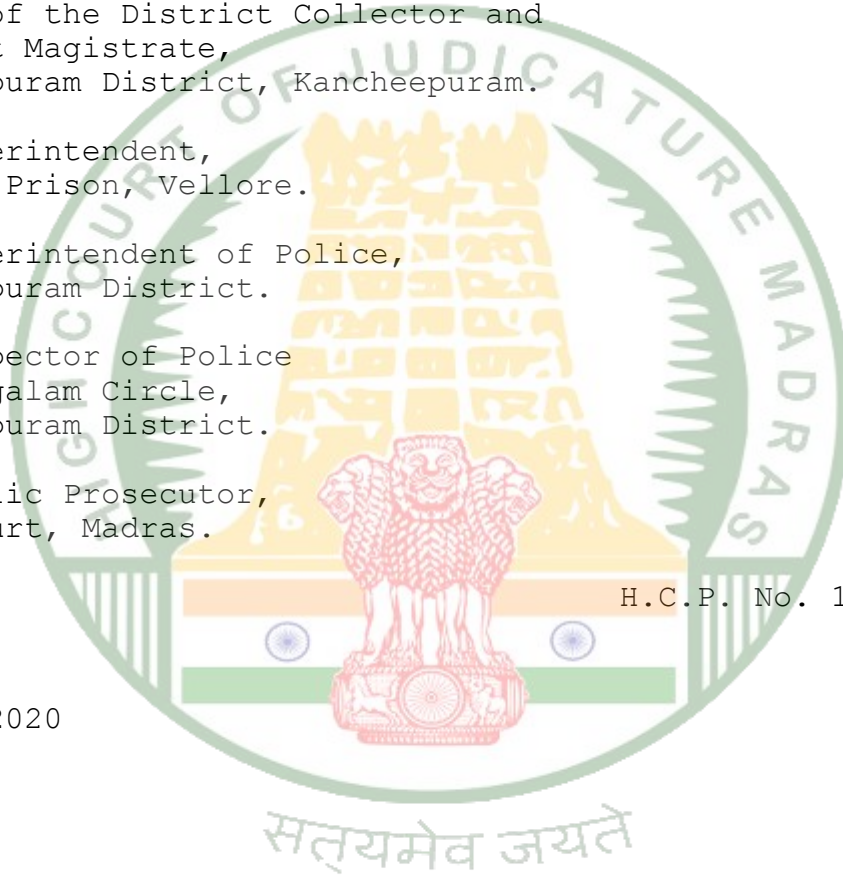
6.The Inspector of Police
Manimangalam Circle,
Kancheepuram District.

7.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1433 of 2020

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