

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

Coram

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

H.C.P. No. 1504 of 2020

Nagaraj

... Petitioner

-vs-

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat,
Fort St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Thirupathur District,
Thirupathur.
- 3.The Superintendent of Police,
Thirupathur District,
Thirupathur.
- 4.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
- 5.State Rep. by its
The Inspector of Police
Thirupathur Taluk Police Station,
Thirupathur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the entire records, relating to the petitioner detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 20.02.2020 on the file of the second respondent herein made in proceedings Memo C3/D.O.No.06/2020, quash the same as illegal and

consequently direct the respondents herein to produce the petitioner namely Nagaraj, S/o. Lakshmanan, aged 45 years, before this Court and set the petitioner at liberty from detention, now the petitioner detained at Central Prison, Vellore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

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

The petitioner, Nagaraj, S/o. Lakshmanan, male, aged 45 years, is the detenu. The detenu has been detained by the second respondent in connection with order in C3/D.O.No.06/2020, dated 20.02.2020, holding him to be a "Drug Offender", as contemplated under Section 2(e) 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 chemical analysis report at Page No.47 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.No.06/2020, dated 20.02.2020 passed by the second respondent is set aside. The detenu, namely, Nagaraj, S/o. Lakshmanan, male, aged 45 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat,
Fort St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Thirupathur District,
Thirupathur.
- 3.The Superintendent of Police,
Thirupathur District,
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- 4.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
- 5.The Inspector of Police
Thirupathur Taluk Police Station,
Thirupathur District.
- 6.The Public Prosecutor,
High Court, Madras.

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BR(CO)
SP(08/12/2020)