

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. 1580 of 2020

Menaga

... Petitioner

vs

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai - 09.
- 2.The District Collector and District Magistrate
of Vellore, Vellore District.
- 3.The Superintendent of Police,
Vellore District,
Vellore.
- 4.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
- 5.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the records in connection with the order of detention passed by the 2nd respondent dated 18.02.2020 in his office Ref.C3.D.O.No.17/2020 against the petitioner's son by name Dhilip @ Prakash, S/o. Suresh, aged about 24 years, now under the custody of the 4th respondent namely Central Prison, Vellore, Vellore District and set aside the same and direct the respondents to produce the above said detenu before this Court and set him at liberty.

For Petitioner : Mr.E.Kannadasan

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 mother of Dhilip @ Prakash, S/o. Suresh, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3.D.O.No.17/2020 dated 18.02.2020, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 the 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 similar case bail application has not been enclosed. 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 of the booklet, it is clear that the similar case bail application has not been enclosed to the detenu. 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.17/2020 dated 18.02.2020, passed by the second respondent is set aside. The detenu, namely, Dhilip @ Prakash, S/o. Suresh, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

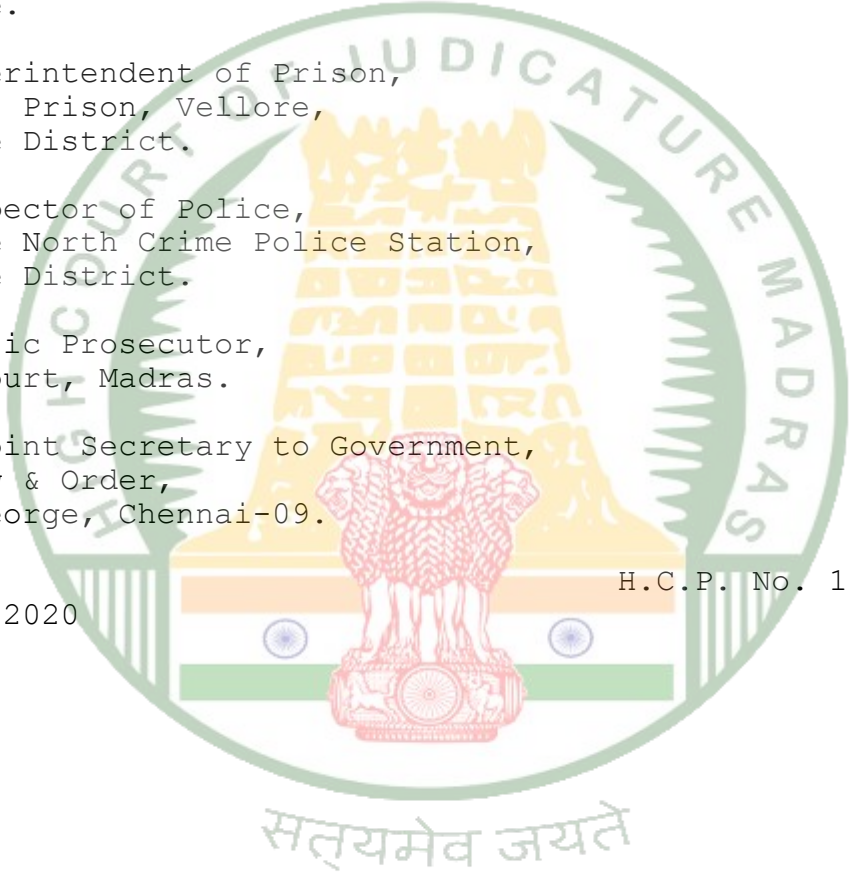
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To

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai - 09.
- 2.The District Collector and District Magistrate
of Vellore, Vellore District.
- 3.The Superintendent of Police,
Vellore District,
Vellore.
- 4.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
- 5.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
- 6.The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government,
Public Law & Order,
Fort St.George, Chennai-09.

SDR 17/12/2020

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