

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2139 of 2019

S.Shakila

... Petitioner

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2.Commissioner of Police,
Salem City.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 16.09.2019 in C.M.P. No.31/Goonda/Salem City/2019 against the petitioner husband Sathish, Male, aged 29 years S/o.Karuppannan, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.S.Senthil Vel

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the wife of the detenu viz., Sathish, S/o.Karuppannan, aged 29 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in C.M.P. No.31/Goonda/Salem City/2019 dated 16.09.2019.

2. The detenu came to adverse notice in the following cases:

Sl.No.	Police Station and Crime No.	Section of Law
1.	Veeranam Police Station, Crime No.281/2019	392 IPC
2.	Kannankurichi Police Station, Crime No.221/2019	392 IPC

The alleged ground case has been registered against the detenu in Crime No.224 of 2019 on the file of Kannankurichi Police Station for offences u/s. 392 r/w 397 & 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Learned counsel for petitioner submits that page No.21 in the booklet furnished to the detenu is illegible. Learned counsel informs that the same adversely has affected his right of making an effective representation.

5. When the documents furnished to the detenu are illegible, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Sathish, S/o.Karuppannan, in C.M.P. No.31/Goonda/Salem City/2019 dated 16.09.2019, is quashed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

vga

To

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2. Commissioner of Police,
Salem City.

3. The Superintendent, Central Prison,
Salem.

4. The Public Prosecutor,
High Court, Madras.

5. The Joint Secretary to General,
Public (Law and Order) Department,
Fort St George, Chennai-9

H.C.P.No.2139 of 2019

EV(CO)
GMY(18/02/2020)



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