

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

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

H.C.P.No.2222 of 2019

Rose Rani
W/o.Mariadoss

... Petitioner

Vs

1.State of Tamil Nadu
represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed in No.555/BCDFGISSSV/2019 dated 29.08.2019 passed by second respondent and set aside the same and directing the respondents to produce the petitioner's husband, namely, Mariadoss S/o.Selvaraj, aged about 35 years, before this court, now confined at Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner : Ms.R.Bhavani Priya
For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R

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

Petitioner is the wife of the detenu viz., Mariadoss S/o.Selvaraj, aged 35 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 No.555/BCDFGISSSV/2019 dated 29.08.2019.

2. The alleged ground case has been registered against the detenu in Crime No.404 of 2019 on the file of M5 Ennore Police Station for offences u/s.341, 294(b), 506(ii) r/w 302 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 Nos.61, 62 and 73 to 76 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., Mariadoss S/o.Selvaraj, in No.555/BCDFGISSSV/2019 dated 29.08.2019, 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(CS-III)

// True Copy//

Sub Assistant Registrar

सत्यमेव जयते

gm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.

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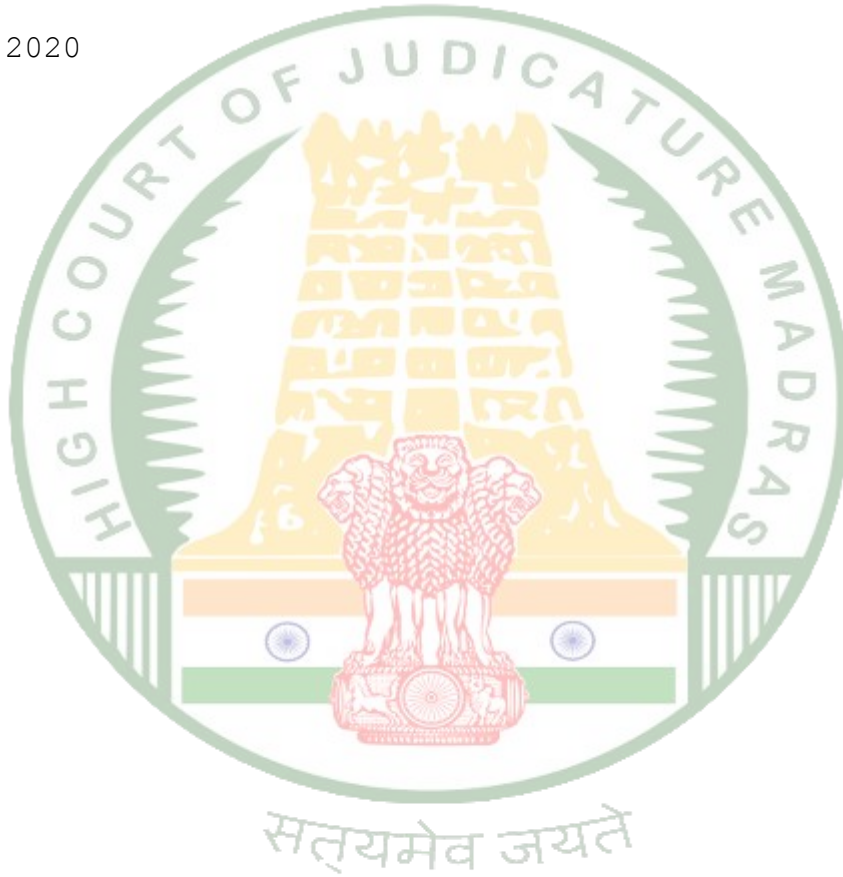
3.The Superintendent of Central Prison,
Puzhal, Chennai.

4.The Joint Secretary to Government,
Public Law and Order,
Fort St.George, Chennai.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2222 of 2019

SPD(CO)
CSR:14.02.2020



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