

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

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

H.C.P.No.2291 of 2019

Vinoth @ Vellai
S/o.Venkatesan

... Petitioner

Vs

1.Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600007.

2.The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Fort St.Geroge,
Chennai - 600009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records of first respondent herein in Memo No.567/BCDFGISSSV/2019 dated 06.09.2019, setting aside the order of detention passed therein and produce the petitioner, viz., Vinoth @ Vellai, S/o.Venkatesan, aged 23 years, now detained at Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner : Mr.R.Rajasekaran

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 detenu viz., Vinoth @ Vellai S/o.Venkatesan, aged 23 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of first respondent passed in Memo No.567/BCDFGISSSV/2019 dated 06.09.2019.

2. The detenu came to adverse notice in Crime No.501 of 2019 on the file of M1 Madhavaram Police Station for offences u/s.147, 148, 448 and 302 IPC. The alleged ground case has been registered against the detenu in Crime No.503 of 2019 on the file of M1 Madhavaram Police Station for offences u/s.147, 148, 341, 294(b), 323, 395, 397, 336, 427 and 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.190 in the booklet i.e., order copy of the similar case relied on by the detaining authority, 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 first respondent against the detenu viz., Vinoth @ Vellai S/o.Venkatesan, aged 23 years, in Memo No.567/BCDFGISSSV/2019 dated 06.09.2019, 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/-
सत्यमेव जयते

Assistant Registrar

//True Copy//

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Sub Assistant Registrar

To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600007.

2.The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Secretariat, Fort St.Geroge,
Chennai - 600009.

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

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

H.C.P.No.2291 of 2019

gp[col]
srg 28/02/2020



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