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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

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

H.C.P.No.2440 of 2019

Tamil Selvi
W/o.Tamizh @ Tamizhvanan

... Petitioner

Vs

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 110001.

2. The Lieutenant Governor,
Rajnivas, Puducherry.

3. The District Magistrate-cum-Authorised Officer,
Office of the District Magistrate,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Puducherry - 605009.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the detention order in No.10/DM/RO/D2/PPASAA/2019 dated 25.10.2019 passed by third respondent under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2020) and set aside the same and direct the respondents to produce the petitioner's husband viz., Tamizh @ Tamizhvanan S/o.Rangasamy, aged about 35 years, the detenu, now confined at Central Prison, Kalapet, Puducherry, before this Court and set him at liberty.

For Petitioner : Mr.U.Yuvaraj

For Respondents : Mr.S.S.Pajani Radja,
ACGSC [R1]
Mr.D.Bharathachakravarthi
Public Prosecutor (P) [R2& R3]



O R D E R

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

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Petitioner is the wife of the detenu viz., Tamizh @ Tamizhvanan S/o.Rangasamy, aged 35 years, who has been branded as a 'Dangerous Person' under the Act 10 of 2010 and detained under order of third respondent passed in No.10/DM/RO/D2/PPASAA/2019 dated 25.10.2019.

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

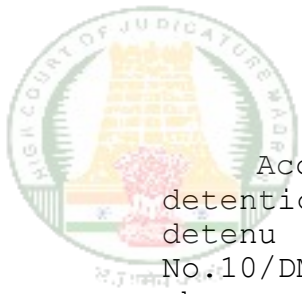
Sl. No.	Police Station & Crime No.	Sections of law
1.	Kandamangalam Police Station, Crime No.219 of 2009	302 IPC
2.	Thirukkanur Police Station, Crime No.11 of 2019	294(b), 323, 324, 506(ii) r/w 34 IPC
3.	Thirukkanur Police Station, Crime No.79 of 2014	294(b), 324, 506 (ii) r/w 34 IPC
4.	Thirukkanur Police Station, Crime No.53 of 2010	419, 420 r/w 34 IPC
5.	Thirukkanur Police Station, Crime No.88 of 2011	25(i-a) of Arms Act, 1959

The alleged ground case has been registered against the detenu in Crime No.21 of 2019 on the file of Thirukkanur Police Station, for offences u/s.302 r/w 34 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner, learned Additional Central Government Standing Counsel appearing for first respondent and learned Public Prosecutor (P) appearing for second respondent. Perused the materials on record.

4. Learned counsel for petitioner submits that page Nos.33 to 49 and some more pages, in the booklet furnished to the detenu are 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 third respondent against the detenu viz., Tamizh @ Tamizhvanan S/o.Rangasamy, in No.10/DM/RO/D2/PPASAA/2019 dated 25.10.2019, is set aside. 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(AD I)MDU

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 110001.
2. The Lieutenant Governor,
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3. The District Magistrate-cum-Authorised Officer,
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Puducherry - 605009.
4. The Superintendent,
Central Prison,
Kalapet, Puducherry.
5. The Public Prosecutor,
Puducherry.

H.C.P.No.2440 of 2019

SAI (CO)
KKV/18/06/2020