

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM

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

H.C.P.No.2455 of 2019

Mareeswari

... Petitioner

Vs

1. The State of Tamil Nadu,
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2. The District Collector/District Magistrate,
Collectorate, Perambalur District,
Perambalur.

... 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 passed by the second respondent vide his order dated 30.09.2019 in CrI.M.P. No.26/2019 and quash the same and consequently direct the respondents to produce the petitioner's husband who is the detenu namely Muniasamy @ Padam Muniyasamy, son of Muthu, male aged 30 years, who is detained at present at Central Prison, Tiruchirapalli before this Court and set him at liberty.

For Petitioner : Mr.S.Sukumar

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., Muniasamy @ Padam Muniyasamy, S/o.Muthu, aged 30 years, who has been branded as a 'Drug Offender' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in Cr.M.P.No.26/2019 dated 30.09.2019.

2. The alleged ground case has been registered against the detenu in Crime No.203 of 2019 on the file of Mangalamedu Police Station for offences u/s. 186, 97, 307 IPC and 8(c) r/w 20(b) (ii)(c) and 25 NDPS Act 1985. 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.70 to 83 available 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., Muniasamy @ Padam Muniyasamy, S/o.Muthu, in CrI.M.P. No.26/2019 dated 30.09.2019, 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 cases.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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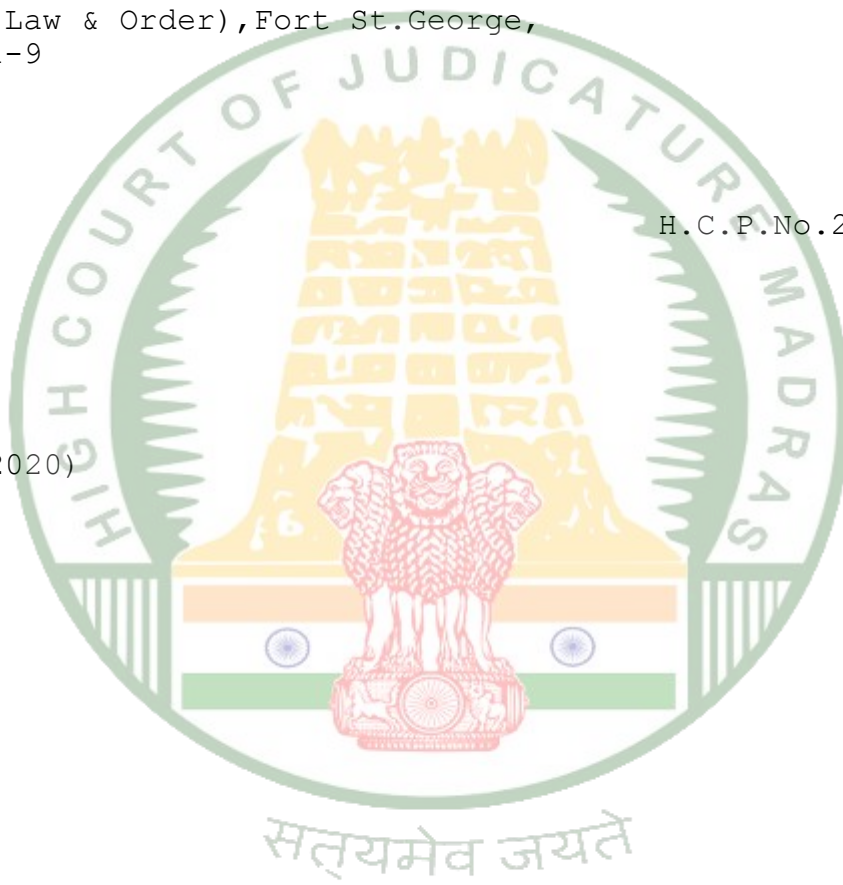
To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.

2. The District Collector/District Magistrate,
Collectorate, Perambalur District,
Perambalur.
3. The Superintendent, Central Prison,
Tiruchirappalli.
4. The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government,
Public(Law & Order), Fort St.George,
Chennai-9

H.C.P.No.2455 of 2019

SS (CO)
GS (03/06/2020)



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