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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.05.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice P.T.ASHA

H.C.P. No.2741 of 2019

Thenmozhi ... Petitioner/Mother of the Detenu

-vs-

1.The State of Tamilnadu,
Rep.by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai -9.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 7.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records leading to the detention of the petitioner's son Vinoth, S/o.Balu, male, aged about 29 years is presently lodged in Central Prison, Puzhal, Chennai and has been detained under Act 14/82 as a "Goonda" vide detention order dated 19.11.2019 on the file of the 2nd respondent herein, made in Memo No.796/BCDFGISSSV/2019 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal, Chennai.

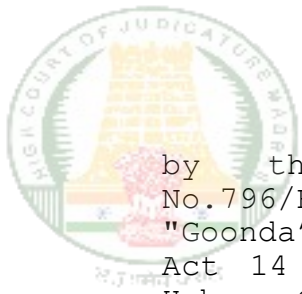
For Petitioner .. Mr.M.Rajavelu

For Respondents.. Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the father of Vinoth, male, aged 29 years, S/o.Balu, who is the detenu. The detenu has been detained



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by the second respondent by his order in Memo No.796/BCDFGISSSV/2019 dated 19.11.2019, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page Nos.421 and 423 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.796/BCDFGISSSV/2019 dated 19.11.2019, passed by the second respondent is set aside. The detenu, namely, Vinoth, male, aged 29 years, S/o.Balu, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mmi/ms

To

1. The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai -9.



2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 7.

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

4.The Joint Secretary Sate of TamilNadu.,
Public(Law & Order) Department,
Fort St.George, Chennai-9.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2741 of 2019

NMI (CO)
CB(15/07/2020)