

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 2779 of 2019

Sathish @ Sunguvarchatiram Sathish
S/o.Sengalvarayan
No.339, Ellaiamman Koil Street
Kizhpodavoor
Sriperumbudur Taluk
Kancheepuram District. Petitioner

-vs-

1. The Secretary to Government
of Tamil Nadu
Prohibition and Excise Department
Fort St. George
Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai
Chennai. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records of the detention order made in BCDFGISSSV.No.532/2019 dated 27.08.2019 passed by the Commissioner of Police, Greater Chennai the second respondent herein and set aside the same and direct the respondents to produce the detainee before the Hon'ble Court and set the detainee Thiru.Sathish @ Sunguvarchathiram Sathish, S/o.Sengalvarayan, aged 27 years now confined at Central Prison, Puzhal set him at liberty.

For Petitioner : Mr.N.Sudharsan

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

ORDER

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

The petitioner himself is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.532/2019 dated 27.08.2019, holding him to be a "Goonda", as contemplated under Section 2(f) of 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 and we have also perused the records carefully.

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 copy of the document 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 the similar case complaint copy at Page No.141 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 BCDFGISSSV.No.532/2019 dated 27.08.2019 passed by the second respondent is set aside. The detenu, namely, Sathish @ Sunguvarchathiram Sathish, S/o.Sengalvarayan, aged 27 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

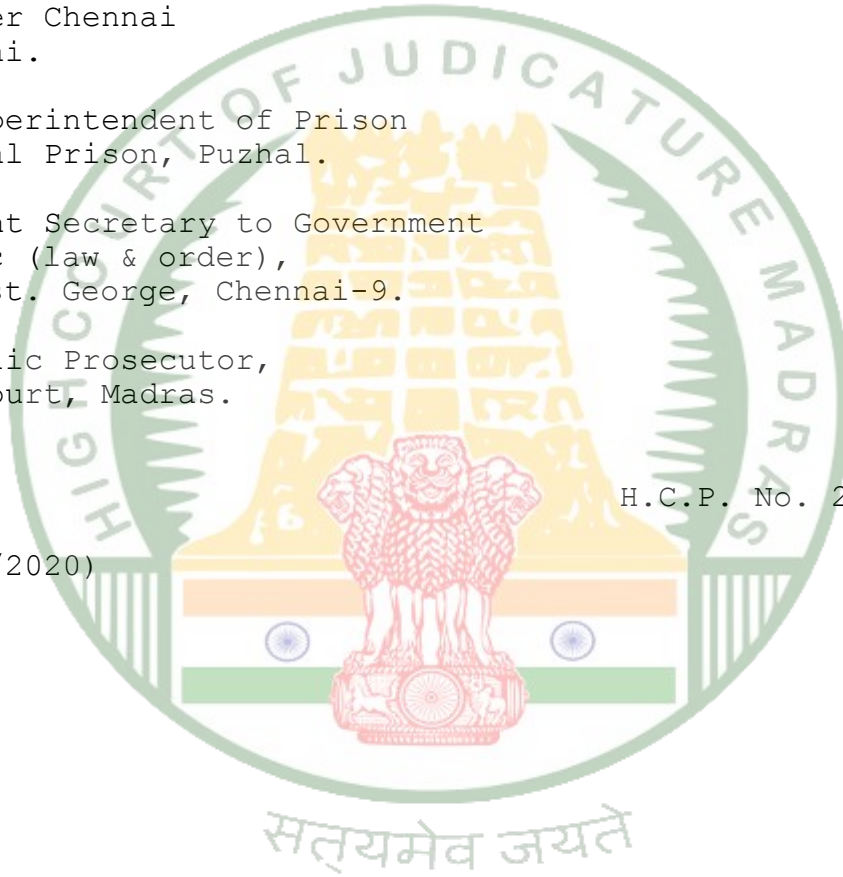
raa/mmi/ssm

To

1. The Secretary to Government
of Tamil Nadu
Prohibition and Excise Department
Fort St. George
Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai
Chennai.
3. The Superintendent of Prison
Central Prison, Puzhal.
5. The Joint Secretary to Government
Public (law & order),
Fort st. George, Chennai-9.
6. The Public Prosecutor,
High Court, Madras.

RLD(CO)
RMP(22/07/2020)

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