

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. 2819 of 2019

P.Sharmila ... Petitioner/Detenu
Wife

-vs-

1. The Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Fort.St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai. ... Respondents

Prayer:

Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 30.11.2019 in Proceedings No.827/BCDFGISSSV/2019 and quash the same as illegal and produce the detenu, namely Santhosh @ Prabhakaran S/o.Jayasekar, aged 30 years, who is confined in Central Prison, Puzhal, Chennai.

For Petitioner .. Mr.B.Gopalakrishnan
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 wife of Santhosh @ Prabhakaran, male, aged 30 years, S/o.Jayasekar, who is the detenu. The detenu has been detained by the second respondent by his order in proceedings No. 827/BCDFGISSSV/2019, dated 30.11.2019, holding him to be a "Immoral Traffic Offender", as contemplated under Section 2(g) 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. We have also perused the records produced by the Detaining Authority.

3. Though the learned counsel for the petitioner raised several grounds, his main submission is that the remand extension order has not been enclosed in the booklet furnished to the detenu, which according to the detenu, deprived of his opportunity to make effective representation to the Government opposing the order of detention and hence, the order of detention is liable to be quashed.

4. There is no satisfactory explanation offered by the learned Additional Public Prosecutor appearing for the detaining authority for the non-supply of the above said document.

5. Therefore, we are of the view that it is a fit case to set aside the impugned order of detention on the above ground. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Proceedings No.827/BCDFGISSSV/2019 dated 30.11.2019, passed by the second respondent is set aside. The detenu, namely, Santhosh @ Prabhakaran, male, aged 30 years, S/o. Jayasekar, 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

सत्यमेव जयते

mmi/ms

To

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

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

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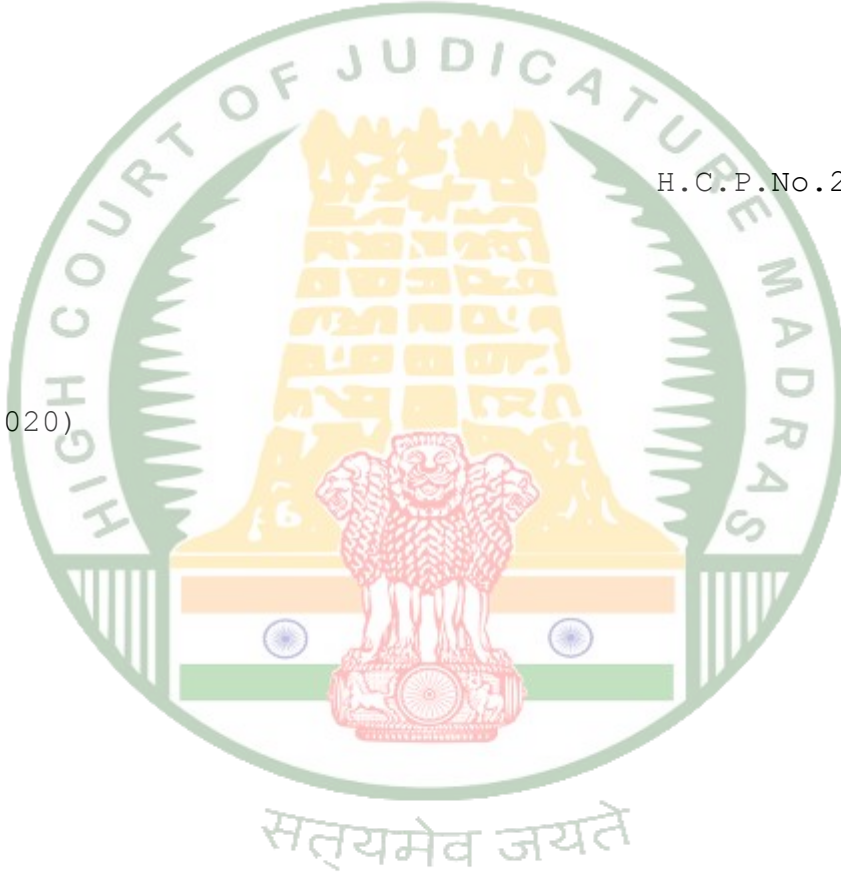
3.The Superintendent,
Central Prison,
Puzhal, Chennai.

4.The Joint Secretary to Govt,
Public (Law and Order),
Fort St.George,Chennai-9

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2819 of 2019

MR (CO)
GS (20/07/2020)



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