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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.NO.219 OF 2021

Chitra
W/o.Ambedkar

.. Petitioner

Vs.

1. State of Tamil Nadu,
represented by the
Secretary, Home, Prohibition
and Excise Department,
Fort St.George, Chennai - 600009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600066.
4. The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.

.. Respondents

Habeas Corpus 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 Memo No.500/BCDFGISSSV/2020 dated 07.12.2020 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Ambeth @ Ambedkar S/o.Narayanan, aged about 35 years, the detenu, now confined at Central Prison, Puzhal, Chennai, before this Court and set the petitioner's husband at liberty.

For Petitioner : Mr.U.Yuvaraj

For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]



ORDER

[Order of the Court was made by P.N.PRAKASH, J]

The petitioner is the wife of the detenu viz., Ambeth @ Ambedkar S/o.Narayanan, aged about 35 years. The detenu has been detained by the second respondent by his order in Memo No.500/BCDFGISSSV/2020 dated 07.12.2020, 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 Government Advocate [Crl.side] appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the remand extension order pertaining to the ground case placed before the detaining authority has not been furnished to the detenu, which caused great prejudice to the detenu and he was prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. The learned Government Advocate [Crl.side] strongly opposed the habeas corpus petition by filing his counter.

5. A perusal of the booklet would go to show that the remand extension order pertaining to the ground case placed before the detaining authority has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above material would obviously deprive of his opportunity to make effective representation and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.500/BCDFGISSSV/2020 dated 07.12.2020 passed by the second respondent is set aside. The detenu, viz., Ambeth @ Ambedkar S/o.Narayanan, aged about 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gm



To

1. The Secretary, Home, Prohibition
and Excise Department,
Fort St.George, Chennai - 600009.

2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600066.

4. The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.

5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

6. The Public Prosecutor,
High Court, Madras.

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JPII(CO)
CS/19/07/2021