

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2021

CORAM

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

H.C.P.No.169 of 2021

Saravanan ... Petitioner

Vs.

1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9

2.The Commissioner of Police
Greater Chennai

3.The Superintendent of Prison
Central Prison, Puzhal, Chennai-66

4.The Inspector of Police (L&O)
T-14 Mangadu Police Station
Chennai

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in connection with the order of detention passed by the 2nd respondent dated 20.10.2020 in Memo No.426/BCDFGISSSV/2020 against the petitioner Saravanan, aged about 29 years, S/o.Raji, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

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

The detenu is the petitioner herein and he has been detained by the 2nd respondent by his order dated 20.10.2020 in 426/BCDFGISSSV/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 and we have also perused the records carefully.

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 has been 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 426/BCDFGISSSV/2020, dated 20.10.2020, passed by the 2nd respondent is set aside. The detenu viz., Saravanan, aged about 29 years, S/o.Raji, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS V)

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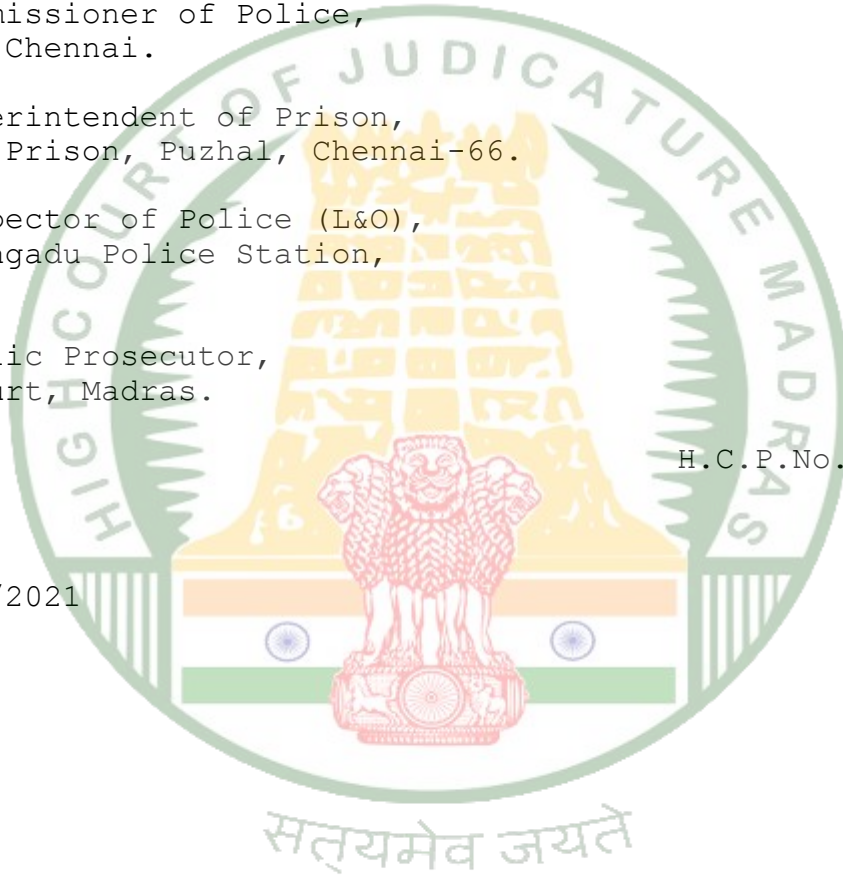
Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.
- 2.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai-9.
- 3.The Commissioner of Police,
Greater Chennai.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai-66.
- 5.The Inspector of Police (L&O),
T-14 Mangadu Police Station,
Chennai.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.169 of 2021

gmr[col]
srg 07/07/2021



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