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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.360 of 2021

Parimala Devi .. Petitioner/Mother of the detenue
Vs.

- 1.State represented by
The Special Secretary to Government,
Home Department,
Chief Secretariat, Goubert Avenue,
Puducherry - 605 001.
 - 2.The District Magistrate-cum-Authorized Officer,
Pettaiyanchathiram,
Vazhudavur Road,
Kavundanpalayam,
Puducherry - 605 009.
 - 3.The Superintendent of Police (L & O),
Puducherry.
 - 4.State represented by
The Inspector of Police,
Villianur Police Station,
Puducherry.
 - 5.The Superintendent of Prison,
Central Prison, Kalapet,
Puducherry.
- .. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records from the second respondent in connection with the order in Memo No.20/DM/RO/D2/PPASAA/2020 dated 21.12.2020 and quash the same and produce the petitioner's son Bomb Ravi @ Ravi @ Ravivarman, son of Ramachandran, aged about 22 years, now confined in Central Prison, Kalapet, Puducherry, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mr.V.Balamurugane
Additional Public
Prosecutor (Puducherry)

ORDER

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

The petitioner is the mother of the detenu Bomb Ravi @ Ravi @ Ravivarman, son of Ramachandran, aged about 22 years. The detenu has been detained by the second respondent by his order in Memo No.20/DM/RO/D2/PPASAA/2020 dated 21.12.2020, holding him to be a "Dangerous Person", as contemplated under Section 3(1) of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010). 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 (Puducherry) 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 order 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. A perusal of the booklet would go to show that the remand order placed before the detaining authority has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above materials 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.20/DM/RO/D2/PPASAA/2020 dated 21.12.2020, passed by the second respondent is set aside. The detenu, viz., Bomb Ravi @ Ravi @ Ravivarman, son of Ramachandran, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Special Secretary to Government,
Home Department,
Chief Secretariat, Goubert Avenue,
Puducherry - 605 001.
- 2.The District Magistrate-cum-Authorized Officer,
Pettaiyanchathiram,
Vazhudavur Road,
Kavundanpalayam,
Puducherry - 605 009.
- 3.The Superintendent of Police (L & O),
Puducherry.
- 4.The Inspector of Police,
Villianur Police Station,
Puducherry.
- 5.The Superintendent of Prison,
Central Prison, Kalapet,
Puducherry.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
Puducherry.

H.C.P.No.360 of 2021

GMI (CO)
PR (02/08/2021)