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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.NO.912 OF 2021

J.Arptha

...Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its Secretary to Government
Prohibition and Excise Department
Fort St. George, Chennai 600 009
2. The District Magistrate-cum-District Collector
The Nilgiris District, Udhagamandalam
3. The Forest Range Officer
Singara Forest Range, Masinagudi Division
Udhagamandalam, The Nilgiris District
4. The Superintendent of Prison
Central Prison, Coimbatore 600 018
5. The Superintendent of Police
Udhagamandalam
The Nilgiris

...Respondents

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 proceedings of the 2nd respondent in Cr.M.P.No.01/2021 dated 17.03.2021 and set aside the same and produce the detenu Raymonddeen, S/o.Mallan Malcolm, aged about 28 years, TPDA No.729 of 2021 now detained in the Central prison, Coimbatore, before this Court and set him at liberty.



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For petitioner : Mr.S.Santhan

For respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

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

The petitioner is the wife of the detenu viz., Raymonddeen, S/o.Mallan Malcolm, aged about 28 years. The detenu has been detained by the 2nd respondent by his order dated 17.03.2021 in Cr.M.P.No.01/2021, holding him to be a "Forest Offender", as contemplated under Section 3(1) 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 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 Additional Public Prosecutor filed his counter affidavit and strongly opposed the habeas corpus petition.

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 Cr.M.P.No.01/2021, dated 17.03.2021, passed by the 2nd respondent is set aside. The detenu viz., Raymonddeen, S/o.Mallan Malcolm, aged about 28 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary to Government
Prohibition and Excise Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The District Magistrate-cum-District Collector
The Nilgiris District, Udhagamandalam
3. The Forest Range Officer
Singara Forest Range, Masinagudi Division
Udhagamandalam, The Nilgiris District
4. The Superintendent of Prison
Central Prison, Coimbatore 600 018
5. The Superintendent of Police
Udhagamandalam
The Nilgiris
6. The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai 600 009
7. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Santhan, Advocate, S.R.No.58453

H.C.P.No.912 of 2021

GSM(CO)
RLP(16/11/2021)