

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

Coram

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

H.C.P.No.1546 of 2020

D.Beula

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Additional Chief Secretary
to Government Home,
Prohibition and Excise Department,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.

3.State represented by
The Inspector of Police (L & O),
G-7, Chetpet Police Station,
Chennai.

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

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order dated on 10.08.2020 made in detention order Memo No.279/BCDFGISSSV/2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner is the detenu of wife to accused Darwin, son of Anthonydoss, aged about 29 years, branded as Goondas and now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.Mohammed Aasif

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the wife of the detenu, Darwin, son of Anthonydoss, aged about 29 years. The detenu has been detained by the second respondent by its order dated 10.08.2020 in proceedings No.279/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 Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3. In this case, the detenu has not even given a representation. Therefore, this Court has to pour over all the records to find out if there is any error in the order of detention.

4. It is seen that in the third adverse case viz., Crime No.405 of 2020, apart from the detenu, there is also a co-accused. Though the detaining authority relied upon the documents relating to the co-accused in the third adverse case, they have 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in proceedings No.279/BCDFGISSSV/2020 dated 10.08.2020, passed by the second respondent is set aside. The detenu, viz., Darwin, son of Anthonydoss, aged about 29 years, 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

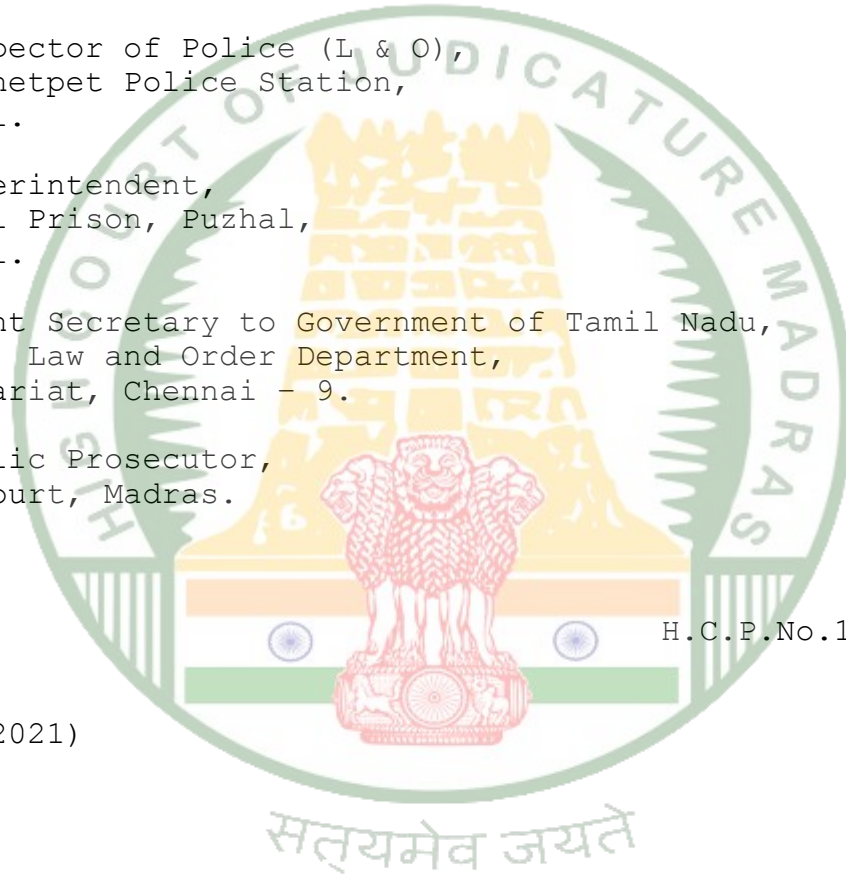
nsd

To

- 1.The Additional Chief Secretary
to Government Home,
Prohibition and Excise Department,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.
- 3.The Inspector of Police (L & O),
G-7, Chetpet Police Station,
Chennai.
- 4.The Superintendent,
Central Prison, Puzhal,
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.

H.C.P.No.1546 of 2020

GMI (CO)
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