

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 1655 of 2020

Jerina ... Petitioner

-vs-

1. State of Tamil Nadu rep. by The Secretary,
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.
 2. The Commissioner of Police,
Greater Chennai,
O/o.The Commissioner of Police
(Goondas Section), Chennai District.
 3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
 4. The Inspector of Police,
Karambakkam Police Station,
Chennai District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records relating to the detention order vide Memo BCDFGISSSV No.354/2020 dated 07.09.2020 passed by the second respondent and quash the same and direct the respondents herein to produce the petitioner's son namely Nagoor @ Nagoor Meeran, S/o.Yousuf, aged 29 years (who is presently undergoing detention in the Central Prison, Cuddalore), before this Court and set him at liberty.

For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

The petitioner is the mother of Nagoor @ Nagoor Meeran, S/o.Yousuf, aged 29 years, who is the detenu. The detenu has been detained by the second respondent in connection with order in BCDFGISSSV No.354/2020 dated 07.09.2020, 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.Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4.On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Form 91 pertaining to the first adverse case at Page No.39 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.354/2020 dated 07.09.2020 passed by the second respondent is set aside. The detenu, namely, Nagoor @ Nagoor Meeran, S/o.Yousuf, aged 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

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To

1.The Secretary to Government,
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai,
O/o.The Commissioner of Police
(Goondas Section), Chennai District.

3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

4.The Inspector of Police,
Karambakkam Police Station,
Chennai District.

5.The Public Prosecutor,
High Court, Madras.

6.The Joint Secretary to
Government Public (Law & Order)
Fort st.George, Chennai-9.

SMI (CO)
RMP (17/03/2021)

H.C.P. No. 1655 of 2020

सत्यमेव जयते

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