

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

Coram

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

H.C.P.No.1738 of 2020

Murugan @ Neeravi Murugan

... Petitioner

-vs-

1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.

2.The District Collector and District Magistrate,
Erode District, Erode.

3.The Superintendent of Police,
Erode District.

4.The Superintendent of Prison,
Central Prison,
Coimbatore.

5.The Inspector of Police
Bhavani Circle,
Erode District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the records of the second respondent made in the detention order in Cr.M.P.No.08/Goonda/2020/C1 dated 19.03.2020 and quash the same and direct the respondents to produce the petitioner viz., Murugan @ Neeravi Murugan, aged about 45 years, S/o.Arumugam, now undergoing detention in Central Prison, Coimbatore, before this Court and set the petitioner at liberty.

For Petitioner : Mr.K.V.Sridharan

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

ORDER

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

The petitioner is the detenu Murugan @ Neeravi Murugan, aged about 45 years, S/o.Arumugam. The detenu has been detained by the second respondent in connection with order in Cr.M.P.No.08/Goonda/2020/C1 dated 19.03.2020, 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 the observation mahazar pertaining to tenth adverse case at Page No.262 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 Cr.M.P.No.08/Goonda/2020/C1 dated 19.03.2020 passed by the second respondent is set aside. The detenu, viz., Murugan @ Neeravi Murugan, aged about 45 years, S/o.Arumugam, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

nsd

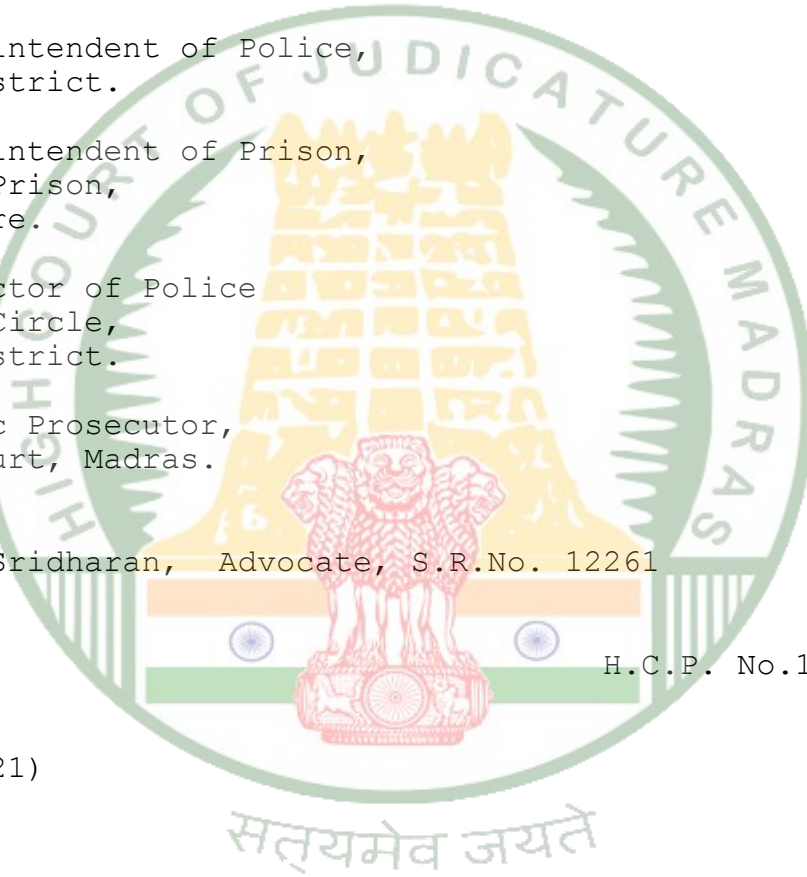
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.
2. The Joint Secretary to Government,
Public (law & Order), Fort Saint George,
Chennai 9
- 3.The District Collector and District Magistrate,
Erode District, Erode.
- 4.The Superintendent of Police,
Erode District.
- 5.The Superintendent of Prison,
Central Prison,
Coimbatore.
- 6.The Inspector of Police
Bhavani Circle,
Erode District.
- 7.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sridharan, Advocate, S.R.No. 12261

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MG(CO)
GN(18/03/2021)



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