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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1342 OF 2021

Rajesh @ Ammabai
S/o.Rajasekar

.. Petitioner/Detenu

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 66.
4. The Inspector of Police,
C-1, Flower Bazar Police Station,
Chennai.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records in connection with the order of detention passed by the second respondent dated 13.11.2020 in Memo No.462/BCDFGISSSV/2020 against the petitioner/detenu Rajesh @ Ammabai s/o.Rajasekar, aged about 23 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.K.Shanmugam

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

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

The petitioner/detenu viz., Rajesh @ Ammabai s/o.Rajasekar, aged about 23 years, has been detained by the second respondent by his order in Memo No.462/BCDFGISSSV/2020 dated 13.11.2020 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. 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 was 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 strongly opposed the habeas corpus petition by filing his counter.

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 Memo No.462/BCDFGISSSV/2020 dated 13.11.2020, passed by the second respondent is set aside. The detenu, namely, Rajesh @ Ammabai s/o.Rajasekar, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

gm



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 66.
4. The Inspector of Police,
C-1, Flower Bazar Police Station,
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.

+1cc to Mr.K.Shanmugam, Advocate, S.R.No.50179

H.C.P.No.1342 of 2021

RR(CO)
RLP(01/10/2021)