

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.1970 of 2020

Seetha

Petitioner

Vs.

- 1 State of Tamil Nadu
represented 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)
Vepery
Chennai District
- 3 The Superintendent of Prison
Central Prison
Puzhal
Chennai District
- 4 The Inspector of Police
S-8, Adambakkam Police Station
Chennai District

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records relating to the detention order vide Memo BCDFGISSSV No.355/2020 dated 07.09.2020 passed by the second respondent and quash the same and direct the respondents to produce the petitioner's husband viz., Manivannan @ Sisi, aged 26 years, S/o.Kuppan, (who is presently undergoing detention in the Central Prison, Puzhal) before this Court and set him at liberty.

For petitioner
For respondents

Mr.S.N.Arun Kumar
Mr.R.Prathap Kumar
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., Manivannan @ Sisi, aged 26 years, S/o.Kuppan. The detenu has been detained by the 2nd respondent by his order dated 07.09.2020 in BCDFGISSSV No.355/2020, 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 several grounds have been raised, the 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. 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 materials 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 BCDFGISSSV No.355/2020, dated 07.09.2020, passed by the 2nd respondent is set aside. The detenu viz., Manivannan @ Sisi, aged 26 years, S/o.Kuppan, 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

gya

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 and Order Department
Secretariat, Chennai-9
- 3 The Commissioner of Police
Greater Chennai
O/o the Commissioner of Police (Goondas Section)
Vepery
Chennai District
- 4 The Superintendent of Prison
Central Prison
Puzhal
Chennai District
- 5 The Inspector of Police
S-8, Adambakkam Police Station
Chennai District
- 6 The Public Prosecutor
High Court, Madras

H.C.P.No.1970 of 2020

NRL (CO)
GMY (28/04/2021)

सत्यमेव जयते

WEB COPY