

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and

The Hon'ble Ms. Justice R.N.MANJULA

H.C.P. No.2217 of 2020

Uma

... Petitioner

-vs-

1.State of Tamil Nadu rep. by its
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Goondas Section, Vepery, Chennai 600 007.

3.The Inspector of Police, L & O,
S-10, Pallikaranai Police Station,
Chennai - 600 100.

4.The Superintendent,
Central Prison,
Puzhal, Chennai - 66.

... 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 in BCDFGISSSV No.402/2020 on the file of the 2nd respondent dated 05.10.2020 quash the same and direct the respondents to produce the corpus of the detenu Rajesh, Son of Jegadeesh who is kept in Central Prison, Puzhal, Chennai - 66 before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.R.Muniyapparaj

Government Advocate (Crl. Side)

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner is the mother of the detenu - Rajesh, Son of Jegadeesh, aged about 23 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.402/2020 dated 05.10.2020, 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 Government Advocate (Criminal Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though the 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 remand extension order has not been enclosed. 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 of the booklet, it is clear that the remand extension order has not been enclosed in the booklet furnished to the detenu. 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.402/2020 dated 05.10.2020, passed by the second respondent is set aside. The detenu, namely, Rajesh, Son of Jegadeesh, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(cs)

//True Copy//

Sub Assistant Registrar

mmi/rna

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Goondas Section,
Vepery, Chennai 600 007.

3.The Inspector of Police, L & O,
S-10, Pallikaranai Police Station,
Chennai - 600 100.

4.The Superintendent,
Central Prison,
Puzhal, Chennai - 66.

5.The Public Prosecutor,
High Court, Madras.

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A.SK(10.06.2021)



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