

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2021

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice R.N.MANJULA

H.C.P.No.2229 of 2020

R.Rukkumani

... Petitioner/Wife of the Detenu

Vs

- The State Rep. by its
- 1.The Principal Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
TamilNadu Secretariat,
Fort St.George, Chennai - 600 009.
 - 2.The District Magistrate and District Collector
Salem District
Salem.
 - 3.The Superintendent of Police,
Salem District, Salem.
 - 4.The Superintendent,
Salem Central Prison, Salem.
 - 5.The Inspector of Police,
Karumalaikoodal Police Station,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention dated 05.10.2020 passed by the second respondent in C.M.P.No.14/Drug Offender/C2/2020 and quash the same and produce the detenu, Rajan @ Kattaikalrajan, aged about 59 years, S/o.Venkatraman, detained at Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.C.V.Kumar

For Respondents: Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

ORDER

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

The petitioner is the wife of Rajan @ Kattaikalrajan, S/o.Venkatraman, male, aged about 59 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.M.P.No.14/Drug Offender/C2/2020 dated 05.10.2020, holding him to be a "Drug Offender", as contemplated under Section 2(e) 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 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 remand order pertaining to the ground case at Page No.91 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 C.M.P.No.14/Drug Offender/C2/2020

dated 05.10.2020, passed by the second respondent is set aside. The detenu, namely, Rajan @ Kattaikalrajan, S/o.Venkatraman, male, aged about 59 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mml/ssm
To

- 1.The Principal Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
TamilNadu Secretariat,
Fort St.George, Chennai - 600 009.
- 2.The District Magistrate and District Collector
Salem District
Salem.
- 3.The Superintendent of Police,
Salem District, Salem.
- 4.The Superintendent,
Salem Central Prison, Salem.
- 5.The Inspector of Police,
Karumalaikoodal Police Station,
Salem.
- 6.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.

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