

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.2250 of 2020

Mariyammal

... Petitioner/Wife
of the detenu

Vs

- 1.State of Tamil Nadu
Rep. by its Secretary,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 9.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
- 4.The Assistant Commissioner of Police,
High Court Range, Chennai - 600 104.
- 5.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No.443/BCDFGISSSV/2020 dated 23.10.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Muthu, S/o. Arumugam, aged about 37 years, the detenu, now confined in Central Prison, Cuddalore before this Court and set the petitioner's husband Muthu, S/o.Arumugam, aged about 37 years the detenu herein at liberty.

For Petitioner : Mr.M.Tamil Selvan

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 the detenu - Muthu, S/o.Arumugam, male, aged 37 years. The detenu has been detained by the second respondent by his order in Memo No.443/BCDFGISSSV/2020 dated 23.10.2020, 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 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 161 Cr.P.C statement pertaining to the similar case at Page Nos.310 and 313 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 Memo No.443/BCDFGISSSV/2020 dated 23.10.2020, passed by the second respondent is set aside. The detenu, namely, Muthu, S/o.Arumugam, male, aged 37 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/ssm

To

1.The Secretary,
Home,Prohibition & Excise Department,
Fort St.George, Chennai - 9.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

4.The Assistant Commissioner of Police,
High Court Range, Chennai - 600 104.

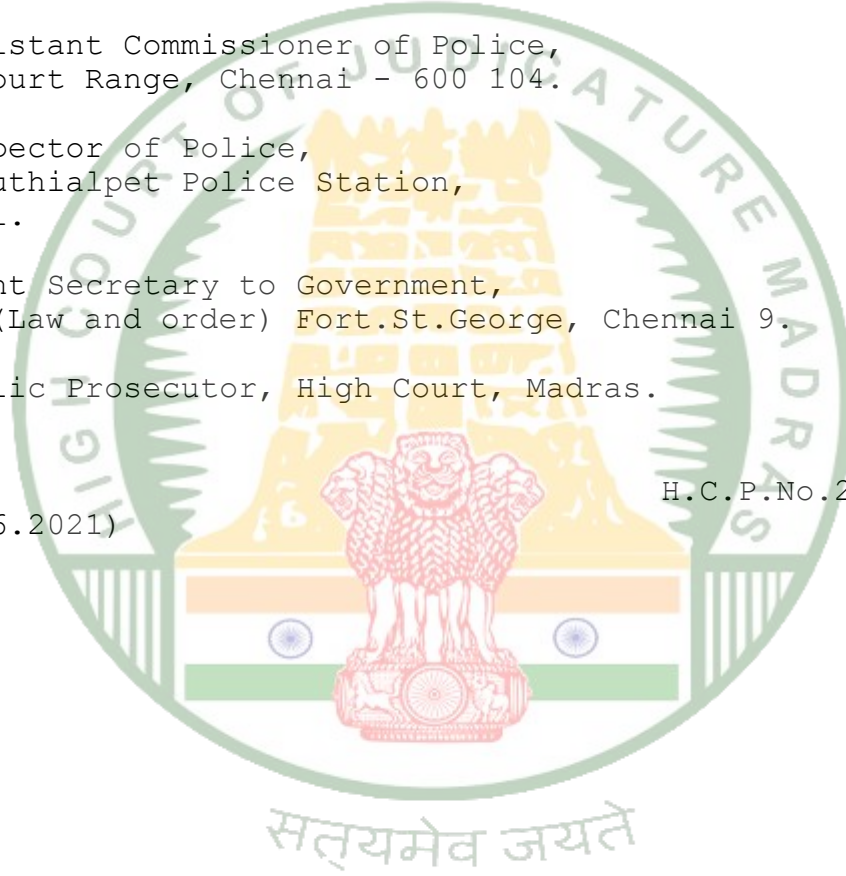
5.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.

6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.

7.The Public Prosecutor, High Court, Madras.

A.SK(10.06.2021)

H.C.P.No.2250 of 2020



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