



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.1505 of 2021

B.Glory

...Petitioner

Vs.

1.The State by:

The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Government of Tamil Nadu,
St.George Fort, Chennai - 600 009.

2.The Commissioner of Police,

Greater Chennai Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Superintendent of Police,

Central Prison,
Puzhal Chennai.

4.The Inspector of Police,

Bank Fraud Investigation Wing,
Team - XXX CCB, Vepery,
Chennai - 600 007.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS calling for the records of the 2nd respondent and quash the impugned order Ref. No.519/BCDFGISSSV/2020 and produce the body of the detenu before this Hon'ble Court and set him free.

For Petitioner : Mr.N.Selvaraju

For Respondents : Mr.R.Muniyappraj
Additional Public Prosecutor



O R D E R

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

The petitioner is the mother of Vinodh, son of Balakrishnan, aged about 33 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.519/BCDFGISSSV/2020 dated 21.12.2020, holding him to be a "GOONDA", as contemplated under Section 3(1) 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, learned counsel for the petitioner mainly focused his arguments on the ground that the similar case bail dismissal order 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.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 similar case bail dismissal order 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 Memo No.519/BCDFGISSSV/2020 dated 21.12.2020, passed by the second respondent is set aside. The detenu, viz., Vinodh, son of Balakrishnan, aged about 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

mtl



To

1.The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Government of Tamil Nadu,
St.George Fort, Chennai - 600 009.

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

3.The Superintendent of Police,
Central Prison,
Puzhal Chennai.

4.The Inspector of Police,
Bank Fraud Investigation Wing,
Team - XXX CCB, Vepery,
Chennai - 600 007.

5.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9.

6.The Public Prosecutor
High Court, Madras.

+2ccs to Mr.N.Selvaraju, Advocate SR.No.63255

H.C.P.No.1505 of 2021

MG(CO)
RVM(07/12/2021)