



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P.(MD) No.573 of 2020

Saranya

... Petitioner

-vs-

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

2. The Commissioner of Police,
Madurai City,
Madurai.

3. The Superintendent of Prison,
Central Prison,
Madurai.

4. The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus to call for the records of the impugned order detention No.23/BCDFGISSSV/2020 dated 29.07.2020 on the file of the 2nd respondent and quash the same as illegal and to direct the respondent to produce the detenu Ravi @ Tokravi, Male aged about 28 years S/o Karandhamalai, now detained at Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.B.Vinothkumar

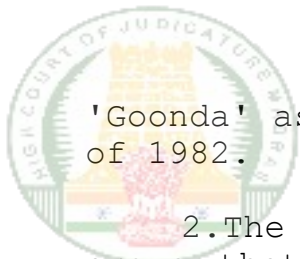
For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner is the wife of the detenu. She has come forward with the habeas corpus petition challenging the detention order passed by the second respondent dated 29.07.2020 made in Detention No.23/BCDFGISSSV/2020, wherein the detenu, namely, Ravi @ Tokravi, Male aged about 28 years S/o Karandhamalai, has been branded as



'Goonda' as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982.

2.The learned counsel for the petitioner Mr.B.Vinothkumar would argue that in the representation dated 07.08.2020, the petitioner sought for Form 91 and the remand order, but the so far those documents have not been furnished and hence, the valuable rights of the detenu in making effective representation to revoke the detention order have been seriously prejudiced. On this sole ground, the detention order impugned in this habeas corpus petition is liable to be set aside.

3.Per contra, Mr.K.Dinesh Babu, learned Additional Public Prosecutor, while reiterating the counter affidavit, would argue that the detenu is the habitual offender and he is involved in two 302 IPC cases and two 307 IPC cases and two 506(ii) IPC cases and two cases involved in the offences under Sections 379 and 380 IPC. The second respondent, after considering the antecedents of the detenu, has rightly passed the detention order. According to him, there is no infirmity or irregularity in the impugned order of detention passed by the second respondent and hence, prayed for dismissal of the habeas corpus petition.

4.Heard the rival submission of both the counsels and perused the materials available on records.

5.It is not in dispute that the petitioner sent a representation to the Government on 07.08.2020, in which, she sought for furnishing the documents of Form 91 and remand order of the learned Judicial Magistrate No.6, Madurai. Admittedly, those documents have not been furnished and no explanation has been offered by the respondents for non furnishing of the documents. This Court in the case of **G.Kalaiselvi vs. The State of Tamil Nadu** reported in (2007)5 CTC 657, has been held that non furnishing of the documents sought for by the detenu or offering no explanation for non supplying of documents would vitiate the detention order.

6. In view of that, the order of detention passed by the second respondent, in No.23/BCDFGISSSV/2020 dated 29.07.2020 is set aside and the habeas corpus petition is allowed. Consequently, the detenu, namely, Ravi @ Tokravi, Male aged about 28 years S/o Karandhamalai, who is detained at Central Prison, Madurai is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

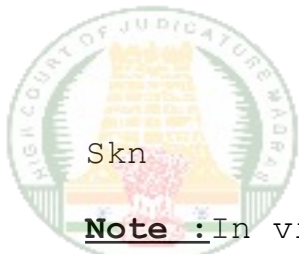
Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Skn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Madurai City,
Madurai.
3. The Superintendent of Prison,
Central Prison,
Madurai.
4. The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.573 of 2020
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VB (08.04.2021) 3P 6C