

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA  
AND  
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO. 479 OF 2018

Lakshmi

.. Petitioner

- Vs -

1. The Commissioner of Police  
The Greater Chennai  
Egmore, Chennai 600 008.

2. The Secretary to Government  
Dept. of Home, Prohibition & Excise  
Fort St. George, Chennai 600 009.

.. Respondents

Petition filed for the issuance of a writ of habeas corpus calling for the records relating to the impugned order in Memo No.28 BCDFGISSSV/2018 dated 25.01.2018 on the file of the 2<sup>nd</sup> respondent herein and set aside the same as illegal and direct the respondents to produce the detenu Mohan Kumar S/o Pichaiya Pillai, aged 45 years, now confined at Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.J.N.Naresh Kumar

For Respondents: Mr. R.Prathap Kumar,  
Addl.Public Prosecutor

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

The 2<sup>nd</sup> respondent, clamped an order of detention on 25.01.2018 on Mohan Kumar S/o Pichaiya Pillai, aged 45 years, as the said authority arrived at the subjective satisfaction that the said detenu is a 'Goonda' and he has to be detained under Section 3 (1) of Tamil Nadu Act 14 of 1982 with a view to preventing him from acting prejudicial to the interest of public health and public order.

2. Heard Mr.J.N.Naresh Kumar, learned counsel appearing for the petitioner and Mr.R.Prathap Kumar, learned Addl. Public Prosecutor appearing for the respondents.

4. The learned counsel for the petitioner relies upon the following bail orders passed in the following comparable cases.

(i) F2 Egmore Police Station, Crime No.1091 of 2016 under Sections 341, 294(b), 336, 427, 397 and 506(ii) IPC.

(ii) E4 Abhiramapuram Police Station Crime No.599 of 2017 under Sections 457 and 380 IPC.

(iii) R3 Ashok Nagar Police Station Crime No.2243 of 2015 under Sections 392 IPC.

These are claimed to be the comparable cases in which bail has stated to have been granted. It is an admitted case that the copies of the same has not been furnished to the detenu. Non furnishing of documents would vitiate the right of the detenu to make a representation, which is a very valuable right.

7. Under the circumstances, the order of detention is liable to be quashed and it is accordingly quashed. The habeas corpus petition is allowed. The detenu, Mohan Kumar S/o Pichaiya Pillai, aged 45 years, is ordered to be set at liberty forthwith, unless his custody is otherwise required in any other case.

s/d-  
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

KST  
To :

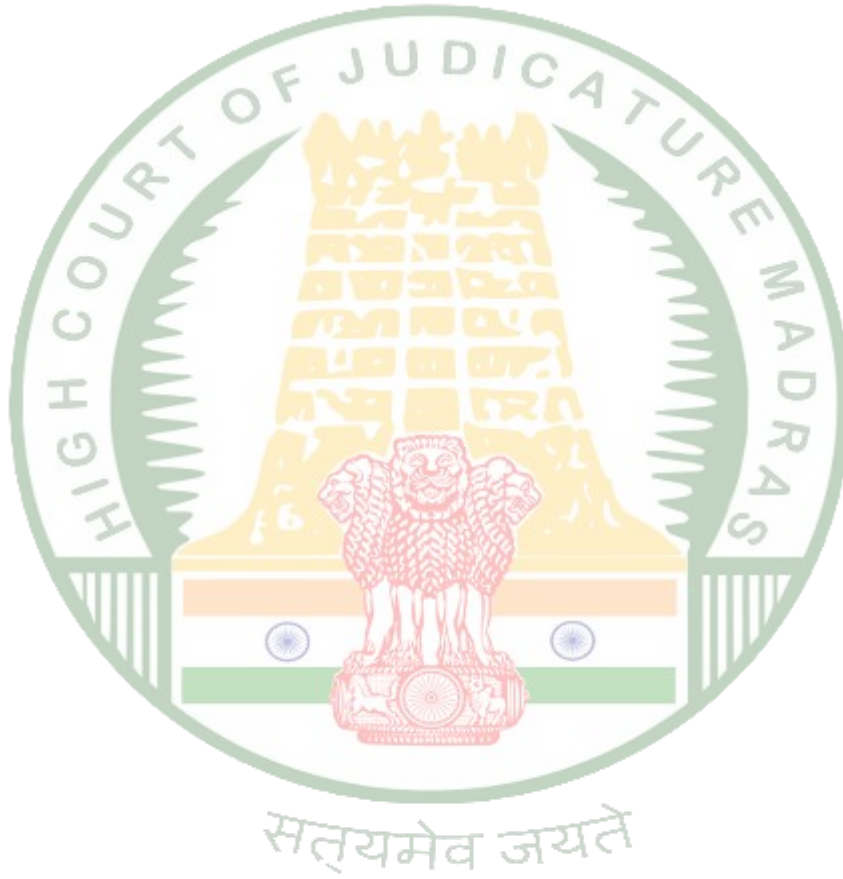
1. The Commissioner of Police  
The Greater Chennai  
Egmore, Chennai 600 008.
2. The Secretary to Government  
Dept. of Home, Prohibition & Excise  
Fort St. George, Chennai 600 009.
3. The Superintendent Central Prison  
Puzhal, Chennai.
4. The Joint Secretary to government  
Public (Law and order)  
Fort. st. George  
Chennai 9.

5. The Public Prosecutor, Madras High Court, Chennai - 104

+1 CC to Mr.J.N. Naresh Kumar advocate sr 52716

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RG (CO)  
SP(11/09/2018)



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