



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM

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

H.C.P.No. 987 of 2021

Christopher

...Petitioner

Vs.

- 1.The Government of Tamilnadu
Rep. by its Principal Secretary
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police,
Greater at Chennai,
Chennai.
- 3.The Inspector of Police,
Madhavaram Milk Colony Police Station,
Madhavaram, Chennai.
- 4.The Superintendent of Police,
Puzhal Central Prison,
Puzhal, Chennai - 600 066.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records Memo No.122/BCDFGISSSV/2021 dated 05.05.2021 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce to the body of the petitioner, Christopher, aged 32 years, son of Lawrence now confined in Puzhal Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For petitioner : Mr.A.Vijayasankar

For respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor.



O R D E R

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

The detenu himself is the petitioner herein and he has been detained by the second respondent in connection with order in Memo No.122/BCDFGISSSV/2021, dated 05.05.2021, 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 Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

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 confession statement in the similar case at Page No.228 & 229 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 No.122/BCDFGISSSV/2021, dated 05.05.2021, passed by the second respondent is set aside. The detenu, namely, Christopher, S/o.Lawrence, aged 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

mtl



To

1.The Government of Tamilnadu
Rep. by its Principal Secretary
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Greater at Chennai,
Chennai.

3.The Inspector of Police,
Madhavaram Milk Colony Police Station,
Madhavaram, Chennai.

4.The Superintendent of Police,
Puzhal Central Prison,
Puzhal, Chennai - 600 066.

5.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai 600 009.

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Vijayasankar, Advocate SR.No.68476

H.C.P.No.987 of 2021

EV(CO)
GN(23/12/2021)