



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P.(MD) No.93 of 2021

S.Selvi ... Petitioner/Mother of the detenu

-vs-

1.The State of Tamil Nadu, represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus calling for the entire records in detention order passed in C.No.34/Detention/C.P.O/T.C/2020, dated 17.12.2020, on the file of the second respondent and to set aside the same as illegal and to direct the respondents to produce the body or person of the Petitioner's son namely, Veerappan @ Rajkumar, son of Sappani, male, aged about 20 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.S.Ravi
Standing Counsel for the State



O R D E R

(Order of the Court was made by K.KALYANASUNDARAM, J.)

This habeas corpus petition has been filed by the mother of the detenu, namely, Veerappan @ Rajkumar, son of Sappani, aged about 20 years, challenging the detention order in C.No.34/Detention/C.P.O/T.C/2020, dated 17.12.2020, passed by the second respondent, branding him as "Goonda" as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

2.Mr.S.M.A.Jinnah, learned counsel for the petitioner, would argue that in the booklet, the Detaining Authority has enclosed the illegible copies at Page No.80 and 107. However, despite representation submitted by the Petitioner to furnish clear copies of the illegible documents, no document was supplied and no explanation was also forth-coming for non-furnishing of the documents. In this regard, the learned counsel for the Petitioner relies upon the decision of the Full Bench of this Court in ***the case of G.Kalaiselvi vs. The State of Tamil Nadu*** reported in (2007) 5 CTC 657.

3.Mr.S.Ravi, learned Standing Counsel for the State, appearing for the respondents, while reiterating the counter filed by the second respondent, submitted that the Petitioner has four adverse cases to his credit and taking note of the antecedents of the detenu, the second respondent has rightly clamped the order of detention. According to the learned Standing Counsel for the State, there is no illegality or irregularity in the detention order warranting interference by this Court. The learned Standing Counsel would also state that the remand order has been typed and extracted at Page No.108 of the booklet and hence, no prejudice would be caused to the detenu in view of the non-supply of the documents as sought for by him and hence, prayed for dismissal of the habeas corpus petition.

4.Heard the rival submissions made on either side carefully and perused the materials placed before this Court.

5.In the instant case, it is not in dispute that the detenu has been detained by the order of the second respondent, dated 17.12.2020, wherein, he has been branded as ''Goonda''. In the booklet furnished to the detenu, page No.80 and 107 are found to be illegible copies. In the representation of the Petitioner, they have sought for clear copies of the illegible documents enclosed in the booklet. Admittedly, those documents have not been furnished to the detenu and there is no explanation also given for non-furnishing of the documents. The Full Bench of this Court in the judgment cited by the learned counsel for the Petitioner, has categorically held that though some of the documents are not relied on documents, but when the detenu has sought for those documents, it is the duty of the respondents to furnish the same or they have to give explanation



for the non-supply of the documents. We are of the of the opinion that the judgment referred to above, would squarely apply to the case of the Petitioner.

6. In fine, the Habeas Corpus Petition is allowed. The detention order in C.No.34/Detention/C.P.O/T.C/2020, dated 17.12.2020, passed by the second respondent, is set aside. Consequently, the detenu, namely, Veerappan @ Rajkumar, son of Sappani, aged about 20 years, who is now detained at Central Prison, Tiruchirappalli is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Vsn

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 Secretary to Government, Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City, Tiruchirappalli.
- 3.The Superintendent,
Central Prison, Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 5.The Joint Secretary to Government,
Public (Law and order), Fort. St. George, Chennai-600 009.

ORDER MADE IN

H.C.P. (MD) No.93 of 2021

08.07.2021

MGJ(16.07.2021) 3P 6C

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