



H.C.P.No.689 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.689 of 2022

Lakshmi

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
the Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai – 600 066.
- 4.The Inspector of Police,
H-5, New Washermenpet Police Station,
(Law and Order),
Chennai.

.. Respondents



H.C.P.No.689 of 2022

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to call for the records relating to the detention order in Memo No.25/BCDFGISSSV/2022 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Vasanthakumar, S/o.Raghavel, aged about 22 years, the detenu now confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's son Vasanthakumar, S/o.Raghavel, aged about 22 years, the detenu herein, at liberty.

For Petitioner : Mr.M.Kaveriselvam

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the mother of the detenu Vasanthakumar, son of Raghavel, aged about 22 years. The detenu has been detained by the second respondent by his order in No.25/BCDFGISSSV/2022 dated 02.03.2022, 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.



H.C.P.No.689 of 2022

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially confession statement of the co-accused pertaining to the ground case at Page No.46 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights



H.C.P.No.689 of 2022

of detenu to effectively defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in No.25/BCDFGISSSV/2022 dated 02.03.2022, passed by the second respondent is set aside. The detenu, viz., Vasanthakumar, son of Raghavel, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
26.10.2022

Index: Yes/No
nsd



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H.C.P.No.689 of 2022

P.N.PRAKASH, J.
and
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nsd

H.C.P.No.689 of 2022

26.10.2022