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H.C.P.No.712 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.712 of 2022

Sumathi Gurumoorthy

.. Petitioner

Vs

- 1.The Principal Secretary to the
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Avadi,
Chennai – 600 054.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
- 4.The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in No.15/BCDFGISSSV/2022 on the file of the second respondent, set aside the detention order dated 02.04.2022 and direct the second respondent to produce the detenu Gurumoorthy @ Guru, son of Dhakshanamoorthy, aged about 42 years, presently detained at the Central Prison, Puzhal, under the Tamil Nadu Act 14/1982 as a Goonda, before this Court and set him at liberty.

For Petitioner : Mr.K.Balasubramaniam

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

ORDER

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

The petitioner is the wife of the detenu Gurumoorthy @ Guru, son of Dhakshanamoorthy, aged about 42 years. The detenu has been detained by the second respondent by his order in Memo No.15/BCDFGISSSV/2022 dated 02.04.2022, 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.



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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 Form No.91 pertaining to a similar case at Page No.116 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



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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 Memo No.15/BCDFGISSSV/2022 dated 02.04.2022, passed by the second respondent is set aside. The detenu, viz., Gurumoorthy @ Guru, son of Dhakshanamoorthy, aged about 42 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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- 4.The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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