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H.C.P.No.735 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

Coram

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

H.C.P.No.735 of 2022

Sangeetha

.. Petitioner

Vs

1.State represented by
the Additional Secretary,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai 600009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai 600007.

3.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison-II,
Puzhal,
Chennai 600056.

.. 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 Memo No.42/BCDFGISSSV/2022 DATED 24.03.2022 on the file of the second respondent herein under the Tamil Nadu Act 14/1982 and quash the same as illegal and direct the respondents to produce the petitioner's husband, the detenu viz., Udhayakumar @ Udhaya, aged about 27 years, son of Chandrababu, now confined at the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.R.Muthukumar

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

ORDER

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

The petitioner is the wife of the detenu viz., Udhayakumar @ Udhaya, aged 27 years, son of Chandrababu. The detenu has been detained by the second respondent by his order in No.42/BCDFGISSSV/2022 DATED 24.03.2022, 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.



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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-91 pertaining to the adverse case at Page No.91 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 No.42/BCDFGISSSV/2022 DATED 24.03.2022, passed by the second respondent is set aside. The detenu, viz., viz., Udhayakumar @ Udhaya, aged 27 years, son of Chandrababu, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
28.10.2022

Index: Yes/No
nsd



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- 2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600007.
- 3.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai 600056.
- 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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