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H.C.P.No.806 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

Coram

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

H.C.P.No.806 of 2022

Nivetha

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Section),
Vepery, Chennai – 600 007.
- 3.The Superintendent of Prison,
Puzhal Central Prison,
Chennai – 600 066.
- 4.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order No.66/BCDFGISSSV/2022 dated 11.04.2022 passed by the second respondent and quash the same and direct the respondents to produce the detenu Aravind, S/o.Kuppan, now confined at the Central Prison, Puzhal and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy
for Mr.N.Suriya Muthu
For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu Aravind, S/o.Kuppan, aged 24 years. The detenu has been detained by the second respondent by his order in No.66/BCDFGISSSV/2022 dated 11.04.2022, 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 Page Nos.130, 131, 142, 143, 144, 150, 154, 210 and 211 of the booklet, it is clear that a seal has been affixed on the body of the documents, on account of which, the substantiate portion of the



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documents is not visible, as it has got hidden behind the seal and therefore, 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in No.66/BCDFGISSSV/2022 dated 11.04.2022, passed by the second respondent is set aside. The detenu, viz., Aravind, S/o.Kuppan, aged 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
20.10.2022

Index: Yes/No
nsd



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To

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Greater Chennai,
Office of the Commissioner of Police,
(Goondas Section),
Vepery, Chennai – 600 007.
- 3.The Superintendent of Prison,
Puzhal Central Prison,
Chennai – 600 066.
- 4.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
- 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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RMT.TEEKAA RAMAN, J.

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