



H.C.P.No.869 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

Coram

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

H.C.P.No.869 of 2022

Nirmala

.. Petitioner

Vs

1.The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Chennai City Police,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.

3.The Superintendent of Central Prison,
Central Prison,
Puzhal, Chennai – 600 066.

4.The Inspector of Police,
S-7, Madipakkam Police Station,
Madipakkam, Chennai – 600 091.

.. 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 relating to the detention order *vide* Memo BCDFGISSSV No.50/2022 dated 31.03.2022 passed by the second respondent and set aside the same and direct the respondents to produce the body of the detenu Arun @ Kebi, S/o.Ashokan, aged 23 years, now confined at the Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Elumalai

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

ORDER

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

The petitioner is the mother of the detenu Arun @ Kebi, S/o.Ashokan, aged 23 years. The detenu has been detained by the second respondent by his order in Memo BCDFGISSSV No.50/2022 dated 31.03.2022, 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.

2. We have heard the learned counsel appearing for the



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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. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially the Form No.161 pertaining to the ground case at Page Nos.101 and 162 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 defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo BCDFGISSSV No.50/2022 dated 31.03.2022, passed by the second respondent is set aside. The detenu, viz., Arun @ Kebi, S/o.Ashokan, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
17.10.2022

Index: Yes/No
nsd



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To

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Home, Prohibition and Excise Department,
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- 2.The Commissioner of Police,
Greater Chennai,
Chennai City Police,
Office of the Commissioner of Police,
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- 3.The Superintendent of Central Prison,
Central Prison,
Puzhal, Chennai – 600 066.
- 4.The Inspector of Police,
S-7, Madipakkam Police Station,
Madipakkam, Chennai – 600 091.
- 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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and
RMT.TEEKAA RAMAN, J.

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