



H.C.P.No.1238 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11..11..2022

Coram

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

Habeas Corpus Petition No.1238 of 2022

Gayathri

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by is Addl. Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600009.
- 2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai 600007.
- 3.The Superintendent of Central Prison,
Coimbatore.
- 4.The State Rep. by its
Inspector of Police,
P-5, M.K.B.Nagar Police Station,
Chennai.
[Crime NO.192 of 2022]

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the order of



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detention dated 11.04.2022 made in detention order in Memo No.65/BCDFGISSSV/2022 passed by the 2nd respondent and to quash the same and direct the respondents to produce the body or person of the detenu viz., Thamizhthambi, male, aged about 23 years, son of Rajanbabu, branding as Goonda and now confined in Central Prison, Coimbatore, before this court and set him at liberty forthwith.

For Petitioner : Mr.B.Shankar

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

The petitioner is the wife of the detenu viz., Thamizhthambi. The detenu has been detained by the second respondent by his order in No.65/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.

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 the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused on the ground that the detenu has been provided with an illegible copy of the



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complaint. This deprived the detenu from making effective representation.

Therefore, on this 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, Page No.65 of the booklet, it is clear that the copy of the complaint that has been given to the detenu is not only illegible but also not fully supplied and part of it has not been properly photocopied. 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.65/BCDFGISSSV/2022 dated 11.04.2022, passed by the second respondent is set aside. The detenu viz., Thamizhthambi, son of Rajanbabu, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)
11.11.2022

Index: Yes/No
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To
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Coimbatore.
- 4.The State Rep. by its
Inspector of Police,
P-5, M.K.B.Nagar 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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