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H.C.P.No.931 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2022

Coram

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

H.C.P.No.931 of 2022

Sharmila

.. Petitioner

Vs

1.State of Tamil Nadu represented by
its Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007.

3.The Inspector of Police,
Keelkattalai Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai-600 066.

.. 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 of the detention made in BCDFGISSSV No.85/2022 dated 22.04.2022 passed by the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Amir, S/o.Nanna Basha, aged about 40 years, who is detained at the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Y.Deva Arul Prakash

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

ORDER

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

The petitioner is the wife of the detenu Amir, S/o.Nanna Basha, aged about 40 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.85/2022 dated 22.04.2022, 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, the documents at Page Nos.137 to 140 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



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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 BCDFGISSSV No.85/2022 dated 22.04.2022, passed by the second respondent is set aside. The detenu viz., Amir, S/o.Nanna Basha, aged about 40 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
18.11.2022

Index: Yes/No
nsd



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To

- 1.The Additional Chief Secretary to Government,
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Chennai 600 009.
- 2.The Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007.
- 3.The Inspector of Police,
Keelkattalai Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai-600 066.
- 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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