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H.C.P.No.1012 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **G.CHANDRASEKHARAN**

H.C.P.No.1012 of 2022

M.Parameshwari

.. Petitioner

Vs

1.The State of Tamil Nadu represented by its
Additional Chief Secretary to Government,
Home, Department of Prohibition and Excise,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur
Chennai – 600 119.

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

4.The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai – 600 117.

.. 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 impugned order of detention dated 31.03.2022 in BCDFGISSSV No.51/2022 passed by the second respondent herein and quash the same and consequently direct the respondents to produce the detenu Manikandan @ Mani, male, aged about 34 years, S/o.Kanniyappan, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.K.Prasanthan

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

ORDER

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

The petitioner is the wife of the detenu Manikandan @ Mani, male, aged about 34 years, S/o.Kanniyappan. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.51/2022 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.



H.C.P.No.1012 of 2022

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 several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that an FIR in Crime No.61 of 2022 pertaining to the ground case placed before the detaining authority has not been fully furnished to the detenu and only two pages of the said FIR have been furnished, which caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. A perusal of the booklet would go to show that the FIR in Crime No.61 of 2022 pertaining to the ground case placed before the detaining authority has not been fully furnished to the detenu and only



H.C.P.No.1012 of 2022

two pages of the said FIR have been furnished. Therefore, non-furnishing of the above materials would obviously deprive of his opportunity to make effective representation and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.51/2022 dated 31.03.2022, passed by the second respondent is set aside. The detenu, viz. Manikandan @ Mani, male, aged about 34 years, S/o.Kanniyappan, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (G.C.S., J.)
25.11.2022

Index: Yes/No
nsd



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To

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- 3.The Superintendent,
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Chennai – 600 066.
- 4.The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai – 600 117.
- 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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