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H.C.P.No.1136 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06..12..2022

Coram

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

The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1136 of 2022

Muthukumar
Son of Selvam

..... Petitioner

-Versus-

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Prohibition & Excise Department,
Fort St. George, Chennai 600009.
- 2.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai 600119.
- 3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai 600 066.
- 4.The Inspector of Police,
S-5, Pallavaram Police Station,
(Law and Order),
Chennai.

.... 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 dated 06.04.2022 passed by the second respondent vide order in Memo No.44/BCDFGISSSV/2022 under Tamil Nadu Act 14 of 1982 and to set aside the same and consequently, direct the respondents herein to produce the petitioner's brother Sathya @ Head Light Sathya, aged 22 years, Son of Selvam, now, confined in Central Prison, Puzhal, Chennai, before this court and set him at liberty.

For Petitioner : Mr.M.Kaver Selvam

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

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the brother of the detenu viz., Sathya @ Head Light Sathya. The detenu has been detained by the second respondent by his order in No.44/BCDFGISSSV/2022 dated 06.04.2022 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



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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 alteration report in respect of a similar case was not photocopied legibly and it was not readable. 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 the alliteration report pertaining to a similar case at Page Nos.305 & 307 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.

In the result, the Habeas Corpus Petition is allowed and the order of



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detention in Memo No.44/BCDFGISSSV/2022 dated 06.04.2022 passed by the second respondent is set aside. The detenu viz., Sathya @ Head Light Sathya, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
06..12..2022

Index: Yes/No
kmk

To

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- 2.The Commissioner of Police,
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Office of the Commissioner of Police,
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- 3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai 600 066.
- 4.The Inspector of Police,
S-5, Pallavaram Police Station,
(Law and Order),
Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,



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Secretariat, Chennai – 9.

6. The Public Prosecutor,
High Court, Madras.



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