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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.No.2075 of 2021

Nagarani

..Petitioner

Vs.

1. State represented by
The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Section), Vepery,
Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
Team 28, Job Racket Wing,
Central Crime Branch,
Chennai - 600 028.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records of the proceedings of the 2nd respondent vide No.261/BCDFGISSSV/2021, culminating in his order dated 11.09.2021, quash the same and direct the 2nd respondent to produce the petitioner's husband Dilli Babu, now confined in the Central Prison II, Puzhal, Chennai - 600 066, before this Court and set him at liberty.

For Petitioner : Mr.M.Syed Ibrahim

For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor



ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the wife of the detenu Dilli Babu, aged about 47 years, S/o.Gajendran. The detenu has been detained by the second respondent by his order in No.261/BCDFGISSSV/2021 dated 11.09.2021, 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 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 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 pages at Page Nos.18 and 55 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 detention in No.261/BCDFGISSSV/2021 dated 11.09.2021, passed by the second respondent is set aside. The detenu, viz., Dilli Babu, aged about 47 years, S/o.Gajendran, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd/29



To

1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Section), Vepery,
Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
Team 28, Job Racket Wing,
Central Crime Branch,
Chennai - 600 028.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Syed Ibrahim, Advocate, S.R.No.39526

H.C.P.No.2075 of 2021

SVI (CO)
RGA(04/07/2022)