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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

Coram

The Honourable Mr. Justice S.VAIDYANATHAN
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.2161 of 2021

Amulu .. Petitioner/Mother of the Detenu
Vs.

1.State of Tamil Nadu represented by
The Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai-9.

2.The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai.

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

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

.. Respondents

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 in BCDFGISSSV No.315/2021 dated 18.10.2021 passed by the 2nd respondent under Tamil Nadu Act 14 of 1982 and quash the same and direct the respondents to produce Rajesh @ Robert, S/o.Vincent, male, aged about 23 years, now confined in the Central Prison, Puzhal, Chennai, before this Court and set the detenu Rajesh @ Robert, S/o.Vincent, male, aged about 23 years, at liberty.

For Petitioner : Mr.S.Vellidoss

For Respondents : Mr.E.Raj Thilak
Addl. Public Prosecutor



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ORDER

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner is the mother of the detenu Rajesh @ Robert, S/o.Vincent, male, aged about 23 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.315/2021 dated 18.10.2021, 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 Page Nos.360 to 365 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 BCDFGISSSV No.315/2021 dated 18.10.2021, passed by the second respondent is set aside. The detenu, viz., Rajesh @ Robert, S/o.Vincent, male, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Secretary,
Prohibition and Excise Department,
Fort St. George,
Chennai-9.

2. The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai.

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

4. The Inspector of Police,
S-7, Madipakkam Police Station,
Madipakkam,
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.

H.C.P.No.2161 of 2021

MG(CO)
SB(21/06/2022)