



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

Coram

The Honourable Mr. Justice PARESH UPADHYAY
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.2160 of 2021

Veerammal

.. Petitioner/Mother of the Detenue

Vs

1.State of Tamil Nadu represented by
The Secretary to Government [Home],
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Coimbatore City,
Coimbatore District.

3.The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.

4.The Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore City.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records of the 2nd respondent in his proceedings C.No.47/G/IS/2021 dated 15.10.2021 to quash the same and consequently direct the respondents to produce the body or person of the petitioner's son M.Kannan, aged 19 years, S/o.Manian, before this Court, who is now confined in the Central Prison, Coimbatore and set him at liberty forthwith.

For Petitioner : Mr.N.Chinnaraj

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 mother of the detenu M.Kannan, aged 19 years, S/o.Manian. The detenu has been detained by the second respondent by his order in C.No.47/G/IS/2021 dated 15.10.2021, 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 the observation mahazar pertaining to the third adverse case at Page No.59 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 C.No.47/G/IS/2021 dated 15.10.2021, passed by the second respondent is set aside. The detenu, viz., M.Kannan, aged 19 years, S/o.Manian, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nsd/39



To

1.The Secretary to Government [Home],
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Coimbatore City,
Coimbatore District.

3.The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.

4.The Inspector of Police,
E-2, Peelamedu Police Station,
Coimbatore City.

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.2160 of 2021

MG(CO)
SB(24/06/2022)