



H.C.P.No.1067 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.1067 of 2022

Manonmani

.. Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 7.

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

4.The Inspector of Police,
Forgery Investigation Wing,
Central Crime Branch - I,
Vepery, Chennai - 600 007.

.. Respondents



H.C.P.No.1067 of 2022

Petition filed under Article 226 of the Constitution of India, praying to

WEB COURT

issue a WRIT OF HABEAS CORPUS to call for the entire records leading to the detention of the petitioner's son-in-law Pandiarajan, son of Madhavan, male, aged about 44 years, is presently lodged in the Central Prison, Puzhal at Chennai and has been detained under Act 14/82 as a Goonda *vide* detention order dated 20.05.2022 made in No.123/BCDFGISSSV/2022 by the second respondent/The Commissioner of Police, Greater Chennai and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter, set him at liberty from the Central Prison, Puzhal, Chennai.

For Petitioner : Mr.M.Rajavelu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother-in-law of the detenu *viz.*, Pandiarajan, son of Madhavan, male, aged about 44 years. The detenu has been detained by the 2nd respondent by his order in No.123/BCDFGISSSV/2022 dated 20.05.2022, holding him to be a "Goonda", as contemplated under Section



H.C.P.No.1067 of 2022

2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this

WEB COPY 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 several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the vital documents in Page Nos.614 to 638 placed before the detaining authority have not been furnished to the detenu, 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 some vital



H.C.P.No.1067 of 2022

documents in Page Nos.614 to 638 placed before the detaining authority has not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the above material 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 No.123/BCDFGISSSV/2022 dated 20.05.2022, passed by the second respondent is set aside. The detenu viz., Pandiarajan, son of Madhavan, male, aged about 44 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

J.]

nsd

[P.N.P., J.]

[N.A.V.,

04.01.2023



H.C.P.No.1067 of 2022

To
WEB COPY

1.Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.

2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 7.

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

4.The Inspector of Police,
Forgery Investigation Wing,
Central Crime Branch - I,
Vepery, Chennai - 600 007.

5.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai-9.

6.The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.1067 of 2022

P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

nsd

H.C.P.No.1067 of 2022

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