



H.C.P.No.1211 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2023

CORAM

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

H.C.P.No.1211 of 2022

Sathya

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
O/o.Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

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

4.The Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai - 600 003.

.. Respondents



H.C.P.No.1211 of 2022

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

issue a WRIT OF HABEAS CORPUS to call for the records in connection with the order of detention passed by the second respondent dated 22.04.2022 in Memo No.87/BCDFGISSSV/2022 against the petitioner's husband viz. Lingam @ Ganesh, S/o.Subramani, aged about 34 years and he is presently confined at the Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.N.Selvarajan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Lingam @ Ganesh, S/o.Subramani, aged about 34 years. The detenu has been detained by the 2nd respondent by his order in No.87/BCDFGISSSV/2022 dated 22.04.2022, 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.



H.C.P.No.1211 of 2022

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 remand extension order pertaining to the ground case placed before the detaining authority has 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 the remand extension order pertaining to the ground case placed before the detaining authority has not been enclosed in the booklet furnished to the detenu.



H.C.P.No.1211 of 2022

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.87/BCDFGISSSV/2022 dated 22.04.2022, passed by the second respondent is set aside. The detenu viz., Lingam @ Ganesh, S/o.Subramani, aged about 34 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.,

03.01.2023



H.C.P.No.1211 of 2022

WEB COPY

To

1.The The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Commissioner of Police,
O/o.Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

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

4.The Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai - 600 003.

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.1211 of 2022

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

nsd

H.C.P.No.1211 of 2022

03.01.2023