



H.C.P.No.1293 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.01.2023

CORAM

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

H.C.P.No.1293 of 2022

Gowtham

.. Petitioner

Vs.

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

2.The District Magistrate and District Collector,
Erode District, Erode.

3.The Superintendent of Police,
Erode District, Erode.

4.The Superintendent of Prison,
Central Prison – Coimbatore,
Coimbatore District.

5.State represented by
The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.

.. Respondents



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

to issue a WRIT OF HABEAS CORPUS to call for the entire records relating to the petitioner's detention under the Tamil Nadu Act 14 of 1982 *vide* detention order dated 05.06.2022 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.14/Goonda/2022 C1 quash the same as illegal and consequently direct the respondents herein to produce the petitioner *viz.* Gowtham, S/o.Gandhi, aged 22 years, before this Court and set the petitioner at liberty from detention, now the petitioner detained at the Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu *viz.*, Gowtham, S/o.Gandhi, aged 22 years. The detenu has been detained by the 2nd respondent by his order in Memo Cr.M.P.No.14/Goonda/2022 C1 dated 05.06.2022, 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.



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 the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument 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 confession statement of the co-detenu pertaining to the second adverse case at Page No.26 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.



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WEB COPY In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo Cr.M.P.No.14/Goonda/2022 C1 dated 05.06.2022, passed by the second respondent is set aside. The detenu *viz.*, Gowtham, S/o.Gandhi, aged 22 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.] [N.A.V., J.]
10.01.2023

nsd



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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The District Magistrate and District Collector,
Erode District, Erode.
- 3.The Superintendent of Police,
Erode District, Erode.
- 4.The Superintendent of Prison,
Central Prison – Coimbatore,
Coimbatore District.
- 5.The Inspector of Police,
Gobichettipalayam Police Station,
Erode District.
- 6.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai-9.
- 7.The Public Prosecutor,
High Court, Madras.



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

nsd

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