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HCP.No.1100/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1100/2023

Viswa

Vs.

... Petitioner

- 1.The State of Tamil Nadu
rep.by its Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009.
- 2.District Collector & District Magistrate
Cuddalore District, Cuddalore.
- 3.The Superintendent of Prison
Central Prison, Cuddalore.
- 4.The Superintendent of Police
Cuddalore District.
- 5.The Inspector of Police
Veppur Police Station
Cuddalore District.

... Respondents



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Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records relating to the detention order passed by the 2nd respondent dated 23.04.2023 in C3/D.O/08/2023 against the detenu Viswa S/o.Ashokkumar, Hindu, aged about 23 years is now confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce him before this Court and set him at liberty.

For Petitioner : Mr.V.Perarasu
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.S.SUNDAR, J]

(1)The petitioner, who is the detenu, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 23.04.2023 slapped on him, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

(2)Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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(3) Though several grounds have been raised by the petitioner, the learned counsel for the petitioner has stated that the Detention Order is vitiated on the ground of non-furnishing of the vital documents, namely, Remand Order and the Remand Extension Order, to the detenu in the Booklet, both in English version and in vernacular version and the Detention Order is liable to be quashed on this sole ground.

(4) In paragraph No.3[iv] of the Grounds of Detention, it has been stated that the detenu was produced before the learned Judicial Magistrate No.1, Vridhachalam on 09.04.2023 and remanded to judicial custody upto 21.04.2023 and further extended upto 05.05.2023. However, it is seen from the Booklet furnished to the detenu by the Detaining Authority, the Remand Order as well as the Remand Extension Order have not been placed. The non-furnishing of the vital documents to the detenu would deprive him of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on this ground and the same is liable to be quashed.

(5) In view of the aforesaid reasons, the detention order passed by the 2nd respondent dated 23.04.2023 in C3/D.O/08/2023 is hereby set aside and



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the Habeas Corpus Petition is allowed. The detenu viz., Viswa, Son of Ashokkumar, aged 23, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[S.S.S.R., J.] [S.M, J.]
09.10.2023

AP

Internet: Yes

To

- 1.The Secretary to Government
State of Tamil Nadu
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009.
- 2.District Collector & District Magistrate
Cuddalore District, Cuddalore.
- 3.The Superintendent of Prison
Central Prison, Cuddalore.
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- 5.The Inspector of Police
Veppur Police Station
Cuddalore District.
- 6.The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

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