



HCP(MD)No.283 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.04.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.283 of 2023

Ochammal

.. Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Exercise (XVI) Department,
Secretariat, Fort St. George, Chennai-9.

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

3.The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.

4.The Superintendent of Prison
District Prison,
Theni.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the impugned detention order No.73/2022 dated 30.07.2022 passed by the 2nd respondent



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is illegal and set aside the same by setting the detenu by name Periyakaruppan, S/o.Perumal Thevar aged about 62 years and set him at liberty, now detained at District Prison, Theni.

For Petitioner : Mr.S.Vikram

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The petitioner is the wife of the detenu viz., Periyakaruppan S/o.Perumal Thevar, aged about 62 years. The detenu has been detained by the second respondent by his order in detention order No..73/2022 dated 30.07.2022 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.



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3. There has been no adverse case against the detenu and insofar as the alleged offence punishable under Sections 498(A), 304(B), 294(b), 302 IPC r/w Section 4 of Dowry Prohibition Act in Crime No.122/2022 on the file of the Rayappanpatti Police Station, the detaining authority based on the report submitted by the sponsoring authority had slapped the provisions of Act 14 of 1982 against the detenu.

4.The learned counsel for the petitioner, among other grounds, has raised the ground stating that from Page Nos.46 to 66 of the paper book furnished to the detenu, there are illegible copies as photocopies of manuscript had been taken. One of the important document is the dying declaration dated 17.05.2022 and other relied documents and all those documents are in manuscript and the photocopies in some of the places are so illegible.

5. We have gone through the said pages. Since these documents are crucial documents and relied upon documents by the detaining authority to come to their subjective satisfaction as a ground of detention, it is a settled proposition that those relied upon documents shall be furnished with clean



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and legible copies to the detenu and in the case, such legible copies since have not been furnished by the detaining authority, on that ground, we feel that the detention order is liable to be interfered with.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in detention order No.73/2022 dated 30.07.2022 passed by the second respondent is set aside. The detenu, viz., Periyakaruppan S/o.Perumal Thevar, aged about 62 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(R.S.K.,J.) (K.K.R.K.,J.)
20.04.2023

Index : Yes/No
Internet : Yes
RR



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To

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Theni.
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4. The Superintendent of Prison
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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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