



HCP(MD)No.1464 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.02.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1464 of 2022

Kutty @ Chellakutty

.. Petitioner

Vs.

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

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

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, calling for the entire records connected with



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the detention order passed in H.S(M)Confdl.No.132/2022, dated 13.07.2022 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Kutty @ Chellakutty, aged about 27 years, S/o.Murugan, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner :Mr.N.Pragalathan

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

ORDER

DR G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.

The petitioner herein based on the complaint given by one Sankari suspecting him for murdering her husband due to business rivalry was taken into custody on 19.06.2022 thereafter, the detaining authority been satisfied that his presence cause disturbance to the public peace has detained him under Act 14 of 1982 on 13.07.2022.

2. The learned counsel appearing for the petitioner/detenu submits that it is a single case against this petitioner and he has been arrested on



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suspicion. When he asked for the copy of his first remand order, the authority has failed to furnish the copy which has prejudice him to make effective representation and therefore, prayed that the detention order is to be quashed.

3. This Court on perusing the records finds that when the detention order with paper book was served to the detenu, the petitioner on 24.08.2022 has made a specific request to furnish the initial remand order, however, the same has not been furnished to him.

4. This Court is of the opinion non furnishing of vital documents, even after demand, has prejudice the petitioner to put forth his case effectively before the advisory board and for the said single reason, the detention order is liable to be quashed.

5. In fine, the Habeas Corpus Petition is allowed. The detention order passed in H.S(M) Confdl.No.132/2022, dated 13.07.2022, by the 2nd respondent, is set aside. Consequently, the detenu viz., Kutty @ Chellakutty, aged about 27 years, who is now detained in Central Prison,



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Palayamkottai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(G.J.,J.) (K.K.R.K.,J.)
13.02.2023

Index:Yes/No
Internet:Yes/No
NCC :Yes/No
am

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.
am

ORDER MADE IN

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13.02.2023