

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

and

THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.606 of 2021

K.Deepak
S/o.Kumar

.. Petitioner

Vs.

1.State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

3.The Superintendent of Prisons,
Central Prison II, Puzhal,
Chennai.

4.State by:
The Inspector of Police,
H3-Tondiarpet Police Station,
Chennai.
Crime No.11/2021

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records in connection with the detention order passed in No.51/BCDFGISSSV/2021 T.P.D.A.No.2431 dated 22.02.2021 by the second respondent herein against the detenu Harish @ Oosi Harish S/o.Kumar, aged about 26 years, who is now confined at Central Prison II, Puzhal, Chennai and quash the same and direct the respondents to produce the body and person of the detenu before this Court and set him at liberty.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.R.Muniyapparaj
Government Advocate [Crl.side]

ORDER

[Order of the Court was made by **R.N.MANJULA, J**]

The petitioner is the brother of the detenu viz., Harish @ Oosi Harish S/o.Kumar, aged about 26 years. The detenu has been detained by the second respondent by his order in 51/BCDFGISSSV/2021 dated 22.02.2021, 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 Government Advocate [Crl.side] appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for petitioner submits that page Nos.116 and 117 (similar case complaint petition) in the booklet furnished to the detenu are illegible. Learned counsel further submits that the same adversely has affected his right of making an effective representation.

4. When the documents furnished to the detenu are illegible, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

In the result, the Habeas Corpus Petition is allowed and the order of detention in No.51/BCDFGISSSV/2021 dated 22.02.2021 passed by the second respondent is set aside. The detenu, viz., Harish @ Oosi Harish S/o.Kumar, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[P.N.P., J]

[R.N.M., J]

13.09.2021

Index: Yes/No
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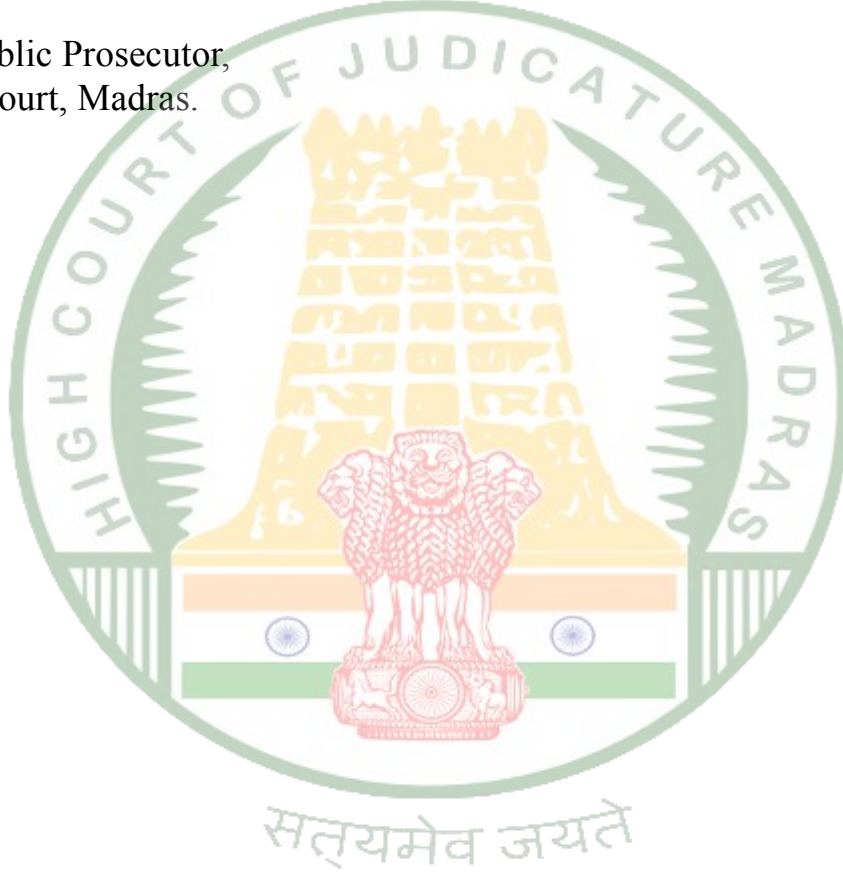
To

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

2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

3. The Superintendent of Prisons,
Central Prison II, Puzhal,
Chennai.

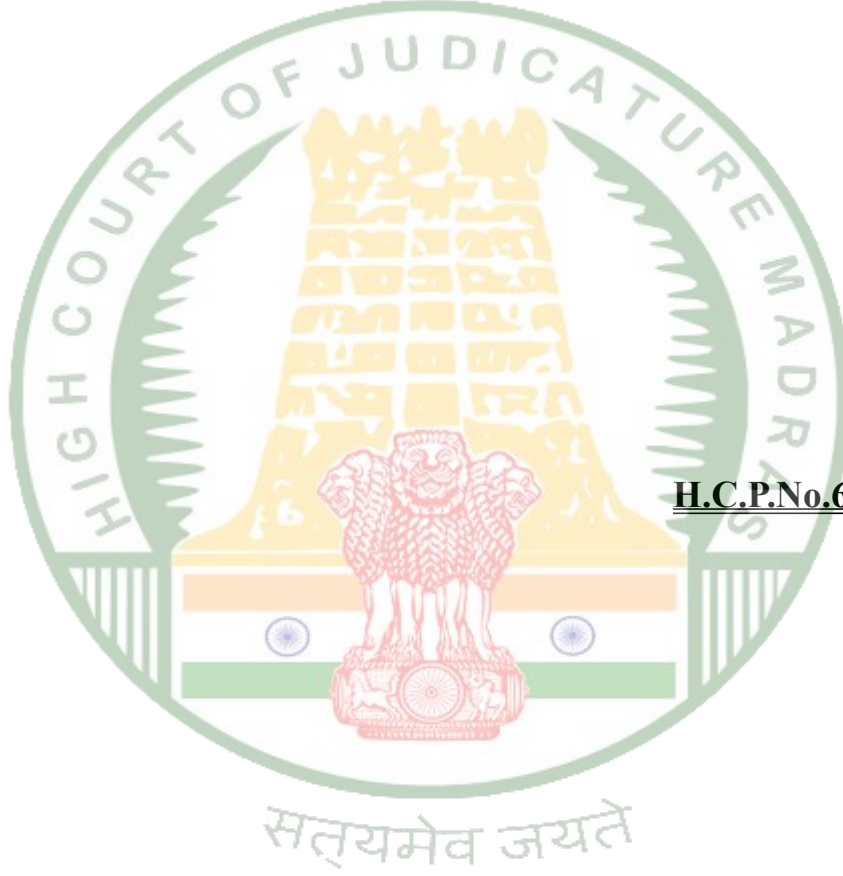
- 4.The Inspector of Police,
H3-Tondiarpet Police Station,
Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J
and
R.N.MANJULA, J

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