



WEB COPY



Order dated : 13.10.2022

HCP No.625 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.625 of 2022

Sonia

W/o.Anandraj

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Avadi City, Chennai - 600 054.

3.The Inspector of Police,
N4, Red Hills Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus calling for the records in connection with the
order of detention passed by the second respondent dated 21.03.2022 in



Order dated : 13.10.2022

HCP No.625 of 2022

Memo No.05/BCDFGISSSV/2022 against the petitioner's husband Anandraj @ Anand s/o.Jawaharlal, aged about 32 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.V.Paarthiban

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the wife of the detenu, Anandraj @ Anand s/o.Jawaharlal, aged about 32 years. The detenu has been detained by the second respondent by his order in No.05/BCDFGISSSV/2022 dated 21.03.2022, 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 learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for the petitioner submits that page No.28 [inquest



Order dated : 13.10.2022

HCP No.625 of 2022

report] in the booklet furnished to the detenu is illegible. Learned counsel further submits that the same adversely has affected the detenu's right of making an effective representation.

4. Learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter.

5. 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.05/BCDFGISSSV/2022 dated 21.03.2022, passed by the second respondent is set aside. The detenu, viz., Anandraj @ Anand s/o.Jawaharlal, aged about 32 years, is directed to be released forthwith



Order dated : 13.10.2022

HCP No.625 of 2022

unless his detention is required in connection with any other case.

WEB COPY

[PNP, J.] [TKR, J.]
13.10.2022

Index: Yes/No
gm

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Avadi City, Chennai - 600 054.
- 3.The Inspector of Police,
N4, Red Hills Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, 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.

P.N.PRAKASH, J.
and



WEB COPY



Order dated : 13.10.2022

HCP No.625 of 2022

RMT. TEEKAA RAMAN, J.

gm

H.C.P.No.625 of 2022

13.10.2022