



HCP No.685 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.685 of 2022

Ponni
W/o.Jaisankar

... Petitioner

Vs.

- 1.State of Tamil Nadu
represented by
The Secretary, Home, Prohibition
and Excise Department,
Fort St.George, Chennai.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.
- 4.The Inspector of Police,
H-5, New Washermenpet Police Station,
(Law and Order), Chennai.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order in Memo No.26/BCDFGISSSV/2022 dated 02.03.2022 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Sasikumar @ Snake Sasi S/o.Jaisankar, aged about 28 years, the detenu, now confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.M.Kaveri Selvam

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Sasikumar @ Snake Sasi S/o.Jaisankar, aged about 28 years. The detenu has been detained by the second respondent by his order in No.26/BCDFGISSSV/2022 dated 02.03.2022, 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.



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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 petitioner submits that page No.46 in the booklet [confession statement in the ground case] 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. 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.26/BCDFGISSSV/2022 dated 02.03.2022, passed by the



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second respondent is set aside. The detenu, viz., Sasikumar @ Snake Sasi

S/o.Jaisankar, aged about 28 years, is directed to be released forthwith

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

[PNP, J.] [NAV, J.]
19.12.2022

Index: Yes/No
gm

To

- 1.The Secretary, Home, Prohibition
and Excise Department,
Fort St.George, Chennai.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.
- 4.The Inspector of Police,
H-5, New Washermenpet Police Station,
(Law and Order), 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
N.ANAND VENKATESH, J.

gm

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