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H.C.P.No.967 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH  
AND  
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

H.C.P.No.967 of 2022

Pinta Devi

Petitioner

v

- 1 The Secretary to the Government  
Home, Prohibition and Excise Department  
Secretariat, Chennai-9
- 2 The District Collector and District Magistrate  
Vellore District, Vellore-9
- 3 The Superintendent of Police  
Vellore District, Vellore-9
- 4 The Superintendent of Prison  
Central Prison, Vellore
- 5 The Inspector of Police  
Gudiyatham Police Station  
Vellore District

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue  
a WRIT OF HABEAS CORPUS to call for the records in connection with the



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order of detention passed by the 2<sup>nd</sup> respondent dated 15.05.2022 in C3/D.O.No.63/2022 against the petitioner's husband Dinesh Kumar, aged about 26 years, S/o.Juthaji, who is confined in the Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner      Mr.D.Balaji  
For Respondents    Mr.R.Muniyapparaj  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the wife of the detenu. The detenu *viz.*, Dinesh Kumar, aged about 26 years, S/o.Juthaji, has been detained by the 2<sup>nd</sup> respondent, by his order dated 15.05.2022 in C3/D.O.No.63/2022, holding him to be a "Drug Offender", as contemplated under Section 2(e) 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 and we have also perused the records carefully.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the



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ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially the ground case bail application available at Page No.47 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus, the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.63/2022 dated 15.05.2022, passed by the 2<sup>nd</sup> respondent is set aside. The detenu viz., Dinesh Kumar, aged about 26 years, S/o.Juthaji, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.]

[N.A.V., J.]

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06.12.2022

Issue order copy by 07.12.2022



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P.N.PRAKASH, J.

AND

N. ANAND VENKATESH, J.

gya

To

- 1 The Secretary to the  
Government of Tamil Nadu  
Home, Prohibition and Excise Department  
Secretariat, Chennai-9
- 2 The Joint Secretary to Government  
Public, Law and Order Department  
Secretariat, Chennai-9
- 3 The District Collector and District Magistrate  
Vellore District, Vellore-9
- 4 The Superintendent of Police  
Vellore District, Vellore-9
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- 6 The Inspector of Police  
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- 7 The Public Prosecutor  
High Court, Madras

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