



WEB COPY



HCP No.1000 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

H.C.P.No.1000 of 2022

Panjavarnam
W/o.Perumal

... Petitioner

Vs.

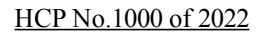
1.State of Tamil Nadu,
represented by the
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai – 600 007.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai – 600 066.

4.The Inspector of Police,
T-15, S.R.M.C. Police Station,
Chennai.

... Respondents



For Petitioner : Mr.Machavatharam
for Mr.D.Gopikrishnan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

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

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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 the petitioner submits that page No.203 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in No.21/BCDFGISSSV/2022 dated 20.04.2022, passed by the second respondent is set aside. The detenu, viz., Sivakumar S/o.Perumal, aged about 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [GCS, J.]
22.11.2022

Index: Yes/No
gm

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai – 600 007.
- 3.The Superintendent of Prison,
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T-15, S.R.M.C. Police Station,
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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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and
G.CHANDRASEKHARAN, J.

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