



HCP No.1056 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 20.12.2022**

**Coram**

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

**H.C.P.No.1056 of 2022**

Suganya  
W/o.Sathish Kumar @ Maina

... Petitioner

**Vs.**

1. Government of Tamil Nadu,  
Rep. by its Secretary,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,  
Vellore District.
3. The Superintendent of Police,  
Vellore District.
4. The Superintendent of Prison,  
Central Prison, Vellore.
5. The Inspector of Police,  
Vellore North Crime Police Station,  
Vellore District.  
Crime No.100 of 2022

... 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 in C3/D.O.No.66/2022 dated 23.05.2022 on the file of the 2<sup>nd</sup> respondent and quash the same and direct the respondents herein to produce the petitioner's husband Sathishkumar @ Maina, S/o.Ravi, aged 29 years, who is now confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.S.Silambu Selvan  
For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

### **ORDER**

[Made by **N.ANAND VENKATESH, J**]

The petitioner is the wife of the detenu, Sathishkumar @ Maina, S/o. Ravi, aged 29 years, has been detained by the second respondent by his order in C3/D.O.No.66/2022 dated 23.05.2022, 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.



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3. Learned counsel for the petitioner submits that Page Nos.11 & 12 in the booklet [confession statement in the first adverse case] furnished to the detenu are 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 C3/D.O.No.66/2022 dated 23.05.2022, passed by the second respondent is set aside. The detenu, viz., Sathishkumar @ Maina, S/o. Ravi, aged



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29 years, 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]  
20.12.2022

Index: Yes/No  
gm/ssr

To

- 1.The Secretary,  
Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,  
Office of the District Collector and District Magistrate,  
Vellore District.
- 3.The Superintendent of Police,  
Vellore District.
- 4.The Superintendent of Prison,  
Central Prison, Vellore.
- 5.The Inspector of Police,  
Vellore North Crime Police Station,  
Vellore District.
- 6.The Joint Secretary to Government of Tamil Nadu,  
Public, Law and Order Department,  
Secretariat, Chennai – 9.

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7. The Public Prosecutor,  
High Court, Madras.



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**P.N.PRAKASH, J.**  
and  
**N.ANAND VENKATESH, J**

gm/ssr

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