



Order dated : 02.12.2022
HCP No.1313 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

Coram

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

H.C.P.No.1313 of 2022

Naveen
S/o.Ranganathan

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its
Additional Chief Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 600 009.

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

3.The Inspector of Police,
Central Crime Branch-I, Wing-2,
Chennai - 600 007.

4.The Superintendent of Prison,
Central Prison-II,
Puzhal, 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 in Memo No.84/BCDFGISSSV/2022 dated 22.04.2022 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Naveen S/o.Ranganathan, aged about 31 years, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner/detenu, Naveen S/o.Ranganathan, aged about 31 years, has been detained by the second respondent by his order in No.84/BCDFGISSSV/2022 dated 22.04.2022, 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 the petitioner submits that page Nos.403 and 405 in the booklet 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in No.84/BCDFGISSSV/2022 dated 22.04.2022, passed by the second respondent is set aside. The detenu, viz., Naveen S/o.Ranganathan, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
02.12.2022

Index: Yes/No
gm

To

- 1.The Additional Chief Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office, Vepery,
Chennai - 600 007.
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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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