



HCP No.1308 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

Coram

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

H.C.P.No.1308 of 2022

Santhoshkumar
S/o.Ambethkar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Erode District,
Erode.
- 3.The Superintendent of Police,
Erode District,
Erode.
- 4.The Inspector of Police,
Erode North Police Station,
Erode.



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5. The Superintendent of Prison,
Central Prison Coimbatore,
Coimbatore

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the detention order dated 12.05.2022 passed by the second respondent in his proceedings No.Cr.M.P.No.12/Goonda/2022 C1 and quash the same and direct the respondents herein to produce the petitioner's brother namely Logeswaran @ Kuttasakku, S/o.(Late) Ambedkar, aged about 24 years, who is presently under going detention in the Central Prison, Coimbatore, as Goonda before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.S.Saravanan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the brother of the detenu, Logeswaran @ Kuttasakku, S/o.(Late) Ambedkar, aged 24 years, has been detained by the second respondent by his order in No.Cr.M.P.No.12/Goonda/2022 C1 dated 12.05.2022, holding him



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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.

3. Learned counsel for the petitioner submits that Page No.39 in the booklet [seizure mahazar in the two adverse cases] 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



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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.Cr.M.P.No.12/Goonda/2022 C1 dated 12.05.2022, passed by the second respondent is set aside. The detenu, viz., Logeswaran @ Kuttasakku, S/o.(Late) Ambedkar, aged 24 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]
21.12.2022

Index: Yes/No
gya/ssr

To

- 1.The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Erode District,
Erode.



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3.The Superintendent of Police,
Erode District,
Erode.

4.The Inspector of Police,
Erode North Police Station,
Erode.

5.The Superintendent of Prison,
Central Prison Coimbatore,
Coimbatore

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

7.The Public Prosecutor,
High Court, Madras.



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

SSR

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