



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.1608 of 2021

M.Vani
D/o.Maran

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.
3. The Superintendent of Central Prison,
Central Prison - Puzhal,
Chennai - 600 066.
4. State represented by its
The Inspector of Police,
S-6 Sankar Nagar Police Station,
Chennai.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order dated 10.05.2021 on the file of the second respondent herein made in proceedings Memo BCDFGISSSV No.124/2021, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's brother, namely, Honestraj @ Karuppu Honest s/o.Maran, aged 22 years, before this Court, who is now confined at Central Prison, Puzhal, Chennai. and set him at liberty.

For Petitioner : Mr.R.Sasikumar



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For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.N.MANJULA, J]

The petitioner is the sister of the detenu viz., Honestraj @ Karuppu Honest s/o.Maran, aged 22 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.124/2021 dated 10.05.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for petitioner submits that page Nos.290 and 291 in the booklet furnished to the detenu are illegible. Learned counsel further submits that the same adversely has affected his right of making an effective representation.

4. 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 BCDFGISSSV No.124/2021 dated 10.05.2021 passed by the second respondent is set aside. The detenu, viz., Honestraj @ Karuppu Honest s/o.Maran, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.
3. The Superintendent of Central Prison,
Central Prison - Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
S-6 Sankar Nagar Police Station,
Chennai.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1608 of 2021

KSM(CO)
SU(11/01/2022)