



H.C.P.No.2149 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..12..2022

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The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.2149 of 2022

Archana

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Commissioner of Police,
Tiruppur City, Tiruppur.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
- 4.State Rep. by its
Inspector of Police,
Nallur Police Station,
Tiruppur.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a



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Writ of Habeas Corpus calling for the entire records relating to the detention passed under Tamil Nadu Act 14/1982 vide detention order dated 22.03.2022 on the file of the 2nd respondent herein made in proceedings Memo.C.No.19/G/IS/Tiruppur/2022 detaining the husband of the petitioner, the detenu viz., Manikandan @ Psycho Mani, aged about 25 years, S/o Selvam, now confined in Central Prison, Coimbatore, and to quash the same as illegal and consequently direct the respondents herein to produce the detenu before this court and set him at liberty.

For Petitioner : Mr.W.Camyles Gandhi

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the wife of the detenu viz.,Manikandan @ Psycho Mani. The detenu has been detained by the second respondent by his order in Detention Order in Memo.C.No.19/G/IS/Tiruppur/2022, dated 22.03.2022, 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 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. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused on the ground that the detenu has been provided with an illegible copy of the complaint petition. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor, on instructions, submitted that the detenu was arrested on 16.02.2022 and the investigation was completed and final report was filed on 14.04.2022 before the Mahila Court (Magisterial Level), Tiruppur, and the same was taken on file in PRC No.27 of 2022. Therefore, the final report was filed on time.



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5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, Page Nos.7 & 9 of the booklet, it is clear that the copy of the complaint petition that has been given to the detenue is illegible. Thus the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo.C.No.19/G/IS/Tiruppur/2022, dated 22.03.2022, passed by the second respondent is set aside. The detenu, viz., Manikandan @ Psycho Mani, 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.)
13..12..2022

Index: Yes/No
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To

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Commissioner of Police,
Tiruppur City, Tiruppur.

3. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.

4. State Rep. by its
Inspector of Police,
Nallur Police Station,
Tiruppur.

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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