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HCP(MD)No.1132 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2022

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1132 of 2022

Uma

.. Petitioner /wife of the
detenu

Vs.

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

2.The Commissioner of Police
Tiruchirappalli City
Tiruchirappalli.

3.The Superintendent of Prison
Central Prison,
Tiruchirappalli.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in C.No.54/Detention/CPO/TC/2022 dated 21.04.2022 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash



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the same and direct the respondents to produce the detenu namely Dharma @ Dharmaseelan, S/o.Arockiaraj, male aged about 22 years, who is detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.A.Daniel Leo

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by N. ANAND VENKATESH,J.)

The petitioner is the wife of the detenu viz., Dharma @ Dharmaseelan aged about 22 years, S/o.Arockiaraj. The detenu has been detained by the second respondent by his order in C.No.54/Detention/CPO/TC/2022 dated 21.04.2022 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.

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.



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3.Though many grounds have been raised in the petition, the learned counsel appearing for the petitioner has restricted his argument by contending that the remand order contained in the the booklet supplied to the detenu is illegible and the same deprived the detenu of his right to make an effective representation with necessary details against the order of detention; and that the detenu sought for supply of the clean copies and the same was not considered and copies of those documents were not supplied to him.

4.The learned Additional Public Prosecutor on behalf of the respondents would refute the submissions made by the learned counsel for the petitioner.

5.As pointed out by the learned counsel for the petitioner, the remand order at Page No.115 of the booklet is illegible, as the part of the document is illegible and the contents cannot be read. Hence, as rightly contended by the learned counsel for the petitioner, by the supply of such illegible copies, the detenu was denied of reasonable opportunity of making an effective representation against the order of detention at the earliest point in time. On



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this ground, the order of detention is liable to be set aside. Therefore, we are inclined to set aside the detention order.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.54/Detention/CPO/TC/2022 dated 21.04.2022 passed by the second respondent is set aside. The detenu, viz.,Dharma @ Dharmaseelan S/o.Arockiaraj, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (N.A.V.,J.)
28.11.2022

Index : Yes/No
Internet : Yes
RR



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To

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3. The Superintendent of Prison
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.

RR

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