



H.C.P.(MD)No.1257 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1257 of 2022

Muneeswaran

.. Petitioner

Vs.

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

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the detention order of the second respondent in S.R.No.10/Goonda/2022, dated 05.05.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Muneeswaran, son of Chandran Asari, aged about 40 years, now detained as "Goonda" at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **N.ANAND VENKATESH, J.**]

The petitioner is the detenu viz., Muneeswaran, son of Chandran Asari, aged about 40 years. The detenu has been detained by the second respondent by his order in S.R.No.10/Goonda/2022, dated 05.05.2022, 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 his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter. He would submit that though there was delay in considering the representation, on that score alone, the impugned detention order cannot be quashed. The learned Additional Public Prosecutor, on instructions, submitted that the investigation was completed and the final report was filed and it was taken



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on file by the Mahila Court, Ramanathapuram in S.C.No.226 of 2022.

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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.129 and 130 of the booklet, it is clear that the legible copy of remand order has not been furnished to the detenu. In view of the same, the detenu was not in a position to effectively make a representation. Thus the impugned detention order is, therefore, liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in S.R.No.10/Goonda/2022, dated 05.05.2022 passed by the second respondent is set aside. The detenu, viz., Muneeswaran, son of Chandran Asari, aged about 40 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
rm

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