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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.06.2022

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

The Honourable Mrs. Justice **S.ANANTHI**

H.C.P.(MD)No.1430 of 2021

Karpagam .. Petitioner /wife of the detenu
Vs.

1. The State of Tamil Nadu Rep. by its
The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
St.Fort George, Chennai - 600 009.

2. The District Collector and District Magistrate,
Office of the District Collector
Thanjavur 613 001.

3. The Inspector of Police
Taluk Police Station,
Thanjavur, Thanjavur District.

4. The Superintendent of Prison,
Central Prison,
Trichy.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the detention order passed by the 2nd respondent in P.D.No.101/2021 dated 11.08.2021 and quash the same and direct the respondents to produce the body or person of the detenu namely Selvakumar, S/o.Ponnusamy, aged about 39 years, (now confined at Central Prison, Trichy) before this court and set him at liberty.

For Petitioner : Mr.Seeni Sulthan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Selvakumar, aged about 39 years, son of Ponnusamy. The detenu has been detained by the second respondent by his order in P.D.No.101/2021 dated 11.08.2021 holding him to be a "Drug Offender", as contemplated under Section 2(e) 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. On a perusal of the booklet supplied to the detenu, it is seen that the relied upon documents, namely, the analysis report of the Regional Forensic Sciences Laboratory dated 30.0.2021 and bail order in CrI.M.P.No.98/2020 dated 13.03.2020 are totally illegible. This, in our opinion, would vitiate the order of detention.

4. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.101/2021 dated 11.08.2021 passed by the second respondent is set aside. The detenu, viz., Selvakumar, S/o.Ponnusamy, aged about 39 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
St.Fort George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector
Thanjavur 613 001.
3. The Inspector of Police
Taluk Police Station,
Thanjavur, Thanjavur District.
- 4.The Superintendent of Prison,
Central Prison,
Trichy.
- 5.The Joint Secretary to Government,
Public (Law & Order)
Fort St.George,Chennai-9.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

H.C.P. (MD)No.1430 of 2021

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