



HCP(MD)No.1921 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.1921 of 2021

Santhamary

.. Petitioner

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli District.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Habeas Corpus, calling for the entire records, connected with



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the detention order of the second respondent in C.No. 70/Detention/C.P.O/T.C/2021 dated 03.12.2021 and quash the same and direct the respondents to produce the body or person of the detenu by name Elumalai, son of Balu, aged about 25 years, now detained in Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Elumalai, son of Balu, aged about 25 years. The detenu has been detained by the second respondent by his order in C.No.70/Detention/C.P.O/T.C/2021 dated 03.12.2021, 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.



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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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.23 of the booklet, it is clear that the legible copy of the remand extension order copy has not been furnished to the detenue. Thus the impugned detention order is liable to be set aside on this ground.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.70/Detention/C.P.O/T.C/2021 dated 03.12.2021, passed by the second respondent is set aside. The detenu, viz., Elumalai, son of Balu, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.H.,J.)
13.07.2022

Index: Yes/No
Internet : Yes / No
RM



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Madurai Bench of Madras High Court,
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