



H.C.P.No.959 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH  
AND  
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.959 of 2022

N.Vivekanandhan @ Kunjan

.. Petitioner

Vs.

1.State represented by its Secretary to Government,  
Home, Prohibition and Excise (XVI) Department,  
Fort St.George, Secretariat,  
Chennai-600 009.

2.The Commissioner of Police/Detaining Authority,  
Office of the Commissioner of Police,  
Coimbatore City.

3.The Superintendent of Prison,  
Central Prison at Coimbatore,  
Gandhipuram, Coimbatore.

4.The Inspector of Police,  
C-1, Kattoor Police Station,  
Coimbatore City.

.. Respondents



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WEB COURT

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS calling for the records in detention order in C.No.23/G/IS/2022 dated 19.04.2022 on the file of the second respondent and set aside the same and direct the respondents herein to produce the body of the petitioner/detenu N.Vivekanandhan @ Kunjan, S/o.Narayanan, aged about 44 years, now confined at the Central Prison at Coimbatore, before this Court and set him at liberty.

For Petitioner : Ms.R.Subadra Devi

For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the detenu viz., N.Vivekanandhan @ Kunjan, S/o.Narayanan, aged about 44 years. The detenu has been detained by the 2<sup>nd</sup> respondent by his order in Memo C.No.23/G/IS/2022 dated 19.04.2022, 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.



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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 this sole 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.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially the arrest memo at Page Nos.98 and 99 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the



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rights of detenu to effectively defend himself against his detention. 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.23/G/IS/2022 dated 19.04.2022, passed by the second respondent is set aside. The detenu viz., N.Vivekanandhan @ Kunjan, S/o.Narayanan, aged about 44 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

J.]

nsd

[P.N.P., J.]

[N.A.V.,

03.01.2023



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To

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

2.The Commissioner of Police/Detaining Authority,  
Office of the Commissioner of Police,  
Coimbatore City.

3.The Superintendent of Prison,  
Central Prison at Coimbatore,  
Gandhipuram, Coimbatore.

4.The Inspector of Police,  
C-1, Kattoor Police Station,  
Coimbatore City.

5.The Joint Secretary to Government,  
Public, Law and Order Department,  
Secretariat, Chennai-9.

6.The Public Prosecutor,  
High Court, Madras.



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P.N.PRAKASH, J.  
AND  
N.ANAND VENKATESH, J.

nsd

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