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H.C.P.No.1247 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1247 of 2022

Mrs.H.Parvathy
W/o.Haribabu

.. Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai,
Veppery, Chennai.

3.The Superintendent of Police,
Central Prison,
Puzhal, Chennai.

4.The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.

.. Respondents



H.C.P.No.1247 of 2022

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the 2nd respondent dated 08.06.2022 in No.150/BCDFGISSSV/2022 against the petitioner husband Thiru.Haribabu, Male aged about 24 years, S/o.Munusamy, who is confined at Central Prison Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.M.Illiyas

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

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

The petitioner is the wife of the detenu viz., Haribabu, Son of Munusamy. The detenu has been detained by the second respondent by his order in No.150/BCDFGISSSV/2022 dated 08.06.2022, 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 on the ground that the detenu has been provided with an illegible copy of the arrest intimation. This deprived the detenu from making effective representation. Therefore, on this 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.160 of the booklet, it is clear that the copy of the arrest intimation relating to the 7th adverse case that has been given to the detenue is illegible. 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 No.150/BCDFGISSSV/2022 dated 08.06.2022 passed by the



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second respondent is set aside. The detenu viz., Haribabu, Son of Munusamy, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
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Index: Yes/No
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1. The Secretary to Government,
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Chennai - 600 009.
2. The Commissioner of Police,
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Veppery, Chennai.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
5. The Joint Secretary to Government of Tamil Nadu,
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.,

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