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H.C.P.No.1459 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10..01..2023

Coram

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

Habeas Corpus Petition No.1459 of 2022

Tmt.J.Kowsalya Rani  
W/o Jothikumar

..... Petitioner

-Versus-

- 1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai 600 009.
- 2.The Commissioner of Police,  
Greater Chennai, Vepery,  
Chennai 600 007.
- 3.The Inspector of Police,  
Job Racket, Team XXVIII,  
Central Crime Branch, Chennai.
- 4.The Superintendent of Prison,  
Central Prison, Puzhal, Chennai.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the 2<sup>nd</sup> respondent dated 28.06.2022 in Memo No.171/BCDFGISSSV/2022 against the petitioner's husband viz., Jothikumar, Son of Parasuraman, aged about 34 years, now confined at Central Prison, Puzhal, Chennai, and set aside the same and consequently direct the respondents herein to produce the detenu before this court and set him at liberty forthwith.

*For Petitioner : Mr.V.Paarthiban*

*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., Jothikumar, Son of Parasuraman, aged 34 years. The detenu has been detained by the second respondent by his order in Memo No.171/BCDFGISSSV/2022 dated 28.06.2022, 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 learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3. Learned counsel for the petitioner submits that page Nos.73, 1055, 1057 and 1099 in the booklet furnished to the detenu are illegible. Learned counsel further submits that the same adversely has affected the detenu's right of making an effective representation.

4. On a perusal of the booklet furnished to the detenu, we find that page Nos.73, 1055, 1057 and 1099 are totally illegible. When the documents furnished to the detenu are illegible, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.



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**WEB COPY** **In the result,** the Habeas Corpus Petition is allowed and the order of detention in Memo No.171/BCDFGISSSV/2022 dated 28.06.2022 passed by the second respondent is set aside. The detenu viz., Jothikumar, Son of Parasuraman, aged 34 years, 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.)  
10..01..2023

Index: Yes/No  
gm



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To

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- 1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai 600 009.
- 2.The Commissioner of Police,  
Greater Chennai, Vepery,  
Chennai 600 007.
- 3.The Inspector of Police,  
Job Racket, Team XXVIII,  
Central Crime Branch, Chennai.
- 4.The Superintendent of Prison,  
Central Prison, Puzhal, 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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*H.C.P.No.1459 of 2022*

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

gm

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