



HCP No.1953 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.1953 of 2022

Mallika
W/o.Murugan

... Petitioner

Vs.

1.The Principal 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,
Behind Amman marriage Hall,
Sirupooluvapatti,
Tiruppur City – 641 603.

3.The Superintendent of Prison,
Central Prison at Coimbatore,
Coimbatore – 18.

4.The Inspector of Police,
15, Velampalaiyam Police Station,
Tiruppur District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in detention order in C.No.37/G/IS/Tiruppur City/2022 dated 12.05.2022 on the file of the second respondent and set aside the same and direct the respondents herein to produce the body of the petitioner's son/detenu Sanjaykumar @ Sanjay @ Peetter S/o.Murugan, aged 23 years, now confined at Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.R.Subadra Devi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the mother of the detenu, Sanjaykumar @ Sanjay @ Peetter S/o.Murugan, aged 23 years. The detenu has been detained by the second respondent by his order in C.No.37/G/IS/Tiruppur City/2022 dated 12.05.2022, 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.53 and 54 [Form-91 in the first adverse case] 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. Learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition.

5. 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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In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.37/G/IS/Tiruppur City/2022 dated 12.05.2022, passed by the second respondent is set aside. The detenu, viz., Sanjaykumar @ Sanjay @ Peetter S/o.Murugan, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
03.01.2023

Index: Yes/No
gm/ssr

To

- 1.The Principal Secretary to Government,
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Chennai – 600 009.
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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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and
N.ANAND VENKATESH, J.

SSR

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