



HCP(MD)No.461 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.09.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.461 of 2023

Annakili

.. Petitioner / Mother of the Detenu

Vs.

- 1.The State represented by
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise (XIV) Department,
Secretariat,
Chennai – 600 009.
- 2.The Commissioner of Police,
Tirunelveli City.
- 3.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
(Crime No.55/2023)
- 4.The Superintendent of Prison,
Central Prison,
Palayamkottai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, calling for the records pertaining to the



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impugned detention order issued by the second respondent in his proceedings in Detention Order No.14/BCDFGISSSV/2023 dated 10.03.2023 in detaining the detenu under Section 2(f) of the Tamilnadu Act 14 of 1982 as a Goonda at the Central Prison, Palayamkottai and quash the same and direct the respondents to produce the detenu namely Jeyakumar, S/o.Rajendran, male, aged about 39 years, who is, now detained in Central Prison, Palayamkottai, Tirunelveli District before this Court and set him at liberty.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is the mother of the detenu, viz., Jeyakumar, aged about 39 years, S/o.Rajendran. The detenu has been detained by the second respondent by his order in No.14/BCDFGISSSV/2023 dated 10.03.2023 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 many grounds have been raised in the petition, the learned counsel appearing for the petitioner has restricted his argument by contending that the remand order contained in the booklet supplied to the detenu is illegible and the same deprived the detenu of his right to make an effective representation with necessary details against the order of detention; and that the petitioner sought for supply of the clean copies and the same was not considered and copies of those documents were not supplied to her.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter.



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5. As pointed out by the learned counsel for the petitioner, the remand order at Page No.327 of the booklet is illegible, as the part of the document is illegible and the contents cannot be read. Hence, as rightly contended by the learned counsel for the petitioner, by the supply of such illegible copies, the detenu was denied of reasonable opportunity of making an effective representation against the order of detention at the earliest point in time. On this ground, the order of detention is liable to be set aside. Therefore, we are inclined to set aside the detention order.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.14/BCDFGISSSV/2023 dated 10.03.2023 passed by the second respondent is set aside. The detenu, viz., Jeyakumar, S/o.Rajendran, aged about 39 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
20.09.2023

NCC : Yes / No
Index : Yes / No
Lm



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2. The Commissioner of Police,
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3. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
4. The Superintendent of Prison,
Central Prison,
Palayamkottai.
5. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George, Chennai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

Lm

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