



HCP(MD)No.1239 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1239 of 2022

Naveen

.. Petitioner / son of the
detenu

Vs.

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

2.The District Collector and District Magistrate
Thanjavur District,
Thanjavur.

3.The Superintendent of Prison,
Central Prison,
Trichy.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the impugned detention order passed by the 2nd respondent in P.D.No.75/2022 dated 26.06.2022 and set aside the same by setting the detenu by namely Gunasekaran, S/o.Muthukumaran, aged 48 years and set him at liberty, now



HCP(MD)No.1239 of 2022

detained at Central Prison, Trichy.

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For Petitioner : Mr.K.Sivabalan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

Challenging the impugned detention order of the 2nd respondent in his proceedings in P.D.No.75/2022 dated 26.06.2022 and produce the detenu namely Gunasekaran, S/o.Muthukumaran, aged about 48 years, now is confined in Central Prison, Trichy, before this Court, this Habeas Corpus Petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. Through the said detention order, the detenu has been declared as a Bootlegger. Against the detenu, there has been three adverse cases and one ground case and all related to the activities to be considered him as a



HCP(MD)No.1239 of 2022

Bootlegger. Therefore, the impugned order of detention under Act 14 of 1982 has been slapped against him.

4. Among various grounds that have been raised on behalf of the detenu to challenge the order of detention, one such ground raised by the learned counsel for the petitioner is that each and every document, which have been served in the form of paper book, has to be served on the detenu and to be explained, for which, the signature of the detenu has to be obtained by the authority concerned. However, insofar as the booklet that has been served on the detenu, the materials with regard to the similar case bail order though has been served and rubber stamp has been put therein, signature has not been obtained and it is kept blank, which has been filed before this Court that has not been controverted by the learned Additional Public Prosecutor. Therefore, for which ground alone, the impugned order cannot be sustained.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.75/2022 dated 26.06.2022 passed by the second respondent is set aside. The detenu, viz., Gunasekaran S/o.Muthukumaran



HCP(MD)No.1239 of 2022

aged about 48 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(R.S.K.,J.) (K.K.R.K.,J.)
21.06.2023

Index : Yes/No
Internet : Yes

RR

To

- 1.The Additional Chief Secretary to Government
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Fort St. George, Secretariat,
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- 2.The District Collector and District Magistrate
Thanjavur District,
Thanjavur.
- 3.The Superintendent of Prison,
Central Prison,
Trichy.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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HCP(MD)No.1239 of 2022

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and
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RR

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