



HCP(MD)No.1472 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.02.2023

CORAM

**THE HON'BLE DR JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1472 of 2022

Johnson @ John

.. Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the detention order passed in H.S(M)Confdl.No.126/2022, dated 28.06.2022, on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Johnson @ John, aged about 37 years, S/o.Alwin, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner :Mr.N.Pragalathan

For Respondents :Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

DR G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.

The petitioner been aggrieved by the preventive detention order passed on him on 28.06.2022 branding him as 'Goonda' is before this Court.



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2. A case against the petitioner and another accused by name Jeyaseelan was registered by Thalamuthunagar police station in Cr.No.8 of 2022 under Section 302 of IPC on 13.01.2022. While the co-accused was arrested on 13.01.2022 the petitioner herein was absconding, secured on 06.06.2022 and remanded to judicial custody. The detention order came to be passed on 28.06.2022 on the ground that his presence likely to cause threat to the public peace.

3. Learned counsel appearing for the petitioner submits that apart from other grounds when the detention order was served on him he sought for copy of the first remand order which was not furnished to him along with the other documents, however, the detaining authority failed to furnish the first remand order, therefore, the detenu was unable to make his representation effectively. The representation of the petitioner dated 24.08.2022 indicates that he has sought for copy of the initial remand order, however, the same has not been furnished.

4. For the some omission the detention order is vitiated. In fine, the Habeas Corpus Petition is allowed. The detention order passed in H.S(M)



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Confdl.No.126/2022, dated 28.06.2022, by the 2nd respondent, is set aside.

Consequently, the detenu viz., Johnson @ John, aged about 37 years, who is now detained in Central Prison, Palayamkottai, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(G.J.,J.) (K.K.R.K.,J.)
13.02.2023

Index:Yes/No
Internet:Yes/No
NCC :Yes/No
am

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR G.JAYACHANDRAN,J.
and
K.K.RAMAKRISHNAN,J.
am

ORDER MADE IN

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13.02.2023