



HCP(MD)No.2044 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P.(MD)No.2044 of 2022

Mariselvam @ Goodluck

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort. St. George, Secretariat,
Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.



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4.The Superintendent,
Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in CrI.M.P.No.40/2022 (Goonda) dated 23.10.2022 and set aside the same and direct the respondents 1 to 3 to produce the detenu Mariselvam @ Goodluck, S/o.Palsamy, aged about 24 years, before this Court now confined in Central Prison, Madurai and set the petitioner at liberty.

For Petitioner : Ms.D.Thilagarani
For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by ***M.S.RAMESH, J.***]

The petitioner is the detenu viz., Mariselvam @ Goodluck, S/o.Palsamy, aged about 24 years. The detenu has been detained by the



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second respondent by his order in CrI.M.P.No.40/2022, dated 23.10.2022, 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.

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 the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the remand order and extension of remand order. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.



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4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.127 and 129 of the booklet, it is clear that the the detaining authority has not furnished the legible copies of the remand order and extension of remand order. Thus, on this ground, the impugned detention order is liable to be set aside.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in CrI.M.P.No.40/2022 dated 23.10.2022, passed by the second respondent is set aside. The detenu, Mariselvam @ Goodluck, S/o.Palsamy, aged about 24 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.)
17.07.2023

Index: Yes/No
Internet : Yes
NCC : Yes /No
vsm



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State of Tamil Nadu,
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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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vsm

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