



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU
H.C.P.(MD)No.926 of 2016

Nillofer Nisha : Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai-600 009.

2.The District Magistrate and
District Collector,
O/o. The District Magistrate and
District Collector,
Ramnad Town,
Ramanathapuram District.

3.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

4.The Superintendent of Central Prison,
Madurai Central Prison, Madurai. : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records connected with the detention order in Cr.M.P.No.12/Goonda/2016, dated 15.04.2016, on the file of the respondent No.2 and quash the same and direct the respondents to produce the body and person of the petitioner's brother Nari @ Abdul Rahman, S/o.Kulam Mohaideen, aged about 33 years now confined at Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

**ORDER**

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

The petitioner is the sister of the detenu - Nari @ Abdul Rahman, S/o.Kulam Mohaideen, aged about 33 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.12/Goonda/2016, dated 15.04.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

2. Though a number of grounds have been raised assailing the order of detention, at the time of making submission, the learned counsel for the petitioner submitted that the Detaining Authority, while arriving at the subjective satisfaction that there is likelihood of the detenu coming out on bail, has relied upon the bail granted in a similar case registered in Crime No.153 of 2013, on the file of Uchipuli Police Station, for an offence under Section 392 IPC. However, the bail application filed by the accused Quarter Govindan @ Govindaraj, in Crime No.153 of 2013 was in English. Though a request was made to give Tamil version of the bail application, the same was not furnished. Therefore, non-furnishing of Tamil version of the bail application filed in a similar case would vitiate the order of detention.

3. We find some force in the argument advanced by the learned counsel for the petitioner. Therefore, on that ground, the impugned detention order is liable to be set aside.

4. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in Cr.M.P.No.12/Goonda/2016, dated 15.04.2016, is quashed. The detenu, namely Nari @ Abdul Rahman, S/o.Kulam Mohaideen, aged about 33 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(Accounts)

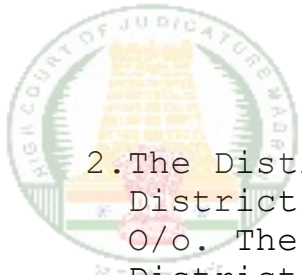
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Sub Assistant Registrar

To

1.The Secretary to Government,

<https://hcservices.courts.gov.in/hcservices/>
Home, Prison, Probation & Excise Department,
Secretariat, Chennai-600 009.



2.The District Magistrate and
District Collector,
O/o. The District Magistrate and
District Collector,
Ramnad Town,
Ramanathapuram District.

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

4.The Joint Secretary to Government
Public(Law and Order)
Fort St.George, Chennai-9

5.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

sva/10.01/2017/3p/7c

Order made in
H.C.P. (MD) No.926 of 2016
Dated: 22.12.2016