



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P. (MD) No.1188 of 2016

Suyambu @ Suyambulingam : Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
 - 2.The District Collector and District Magistrate,
Thoothukudi District, Thoothukudi.
 - 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
- : 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 passed in H.S(M)Confdl.No.41 of 2016, dated 16.08.2016, on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely, Suyambu @ Suyambulingam, S/o.Santhosam Nadar, aged about 29 years, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

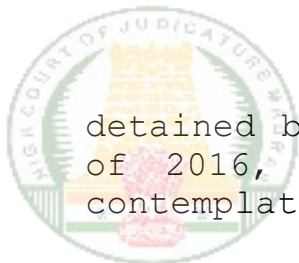
For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu - Suyambu @ Suyambulingam,
S/o.Santhosam Nadar, aged about 29 years. The detenu has been



detained by the second respondent by his order H.S(M)Confdl.No.41 of 2016, dated 16.08.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

2. Though the detention order is sought to be assailed on several grounds, the learned counsel for the petitioner mainly relies on the contention that though English version of the bail application filed in a similar case in Crime No.578 of 2016, on the file of the Judicial Magistrate Court, No.II, Thoothukudi, was furnished to the detenu, translated copy of the same was not furnished to the detenu, which would vitiate the order of detention.

3. We find some force in the above said submission made by the learned counsel for the petitioner, because, non-furnishing of the translated copy of the bail application filed in a similar case in Crime No.578 of 2016, on the file of the Judicial Magistrate Court, No.II, Thoothukudi, would vitiate the order of detention. Therefore, on that ground, we are inclined to set aside the order of detention.

4. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in Detention Order H.S(M)Confdl.No.41 of 2016, dated 16.08.2016, is quashed. The detenu, namely, Suyambu @ Suyambulingam, S/o.Santhosam Nadar, aged about 29 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(CO)

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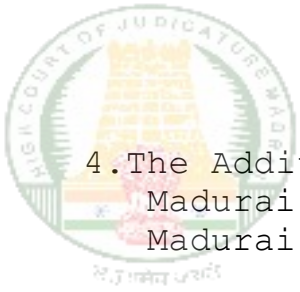
Sub Assistant Registrar

To

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

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

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



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

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

Order made in
H.C.P. (MD) No. 1188 of 2016
Dated: 16.02.2017

SMA/CM-MSA/SAR-3/28.02.2017:3P/6C