



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.02.2017**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1320 of 2016

Raja Alias Mechanic Raja : 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,
Office of the District Collector and District Magistrate,
Perambalur District, Permbalur.

3.The Superintendent,
Central Prison,
Tiruchirappalli. : 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 in detention order passed in Cr.M.P.No.12 of 2016, dated 24.07.2016, on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner, namely, Raja Alias Mechanic Raja, S/o.Rajendran, Male, aged 38 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.A.S.Prabhu
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 - Raja Alias Mechanic Raja, S/o.Rajendran, aged 38 years,. The detenu has been detained by the second respondent by his order Cr.M.P.No.12 of 2016, dated 24.07.2016, 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.4 of 2013, on the file of the Principal District and Sessions Judge, Tiruchirappalli, 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.4 of 2013, on the file of the Principal District and Sessions Judge, Tiruchirappalli, 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 Cr.M.P.No.12 of 2016, dated 24.07.2016, is quashed. The detenu, namely, Raja Alias Mechanic Raja, S/o.Rajendran, Male, aged 38 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

/True Copy/

Sub Assistant Registrar

TO

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collator and District Magistrate,
Perambalur District, Permbalur.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Joint Secretary to Government,
Public (Law and order)
Fort st.George, Chennai-9.

NB

MAS/SV-MMS:01.03.2017:2P/6C

Order made in
H.C.P. (MD) No.1320 of 2016
Dated:17.02.2017