



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2020

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

H.C.P. (MD)No.1017 of 2019

Jeyalakshmi : Petitioner

Vs.

1.The Additional Chief Secretary to the Government
Home, Prohibition and Excise Department
Secretariat
Chennai-9.

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

3.The Superintendent of Prison
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 in detention order passed in BCDFGISSSV No.25/2019 dated 18.09.2019 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's grandson namely, Karthick S/o.Ayampillai, male aged 22 years, who is detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.P.Prabakaran

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J)

The petitioner is the grandmother of the detenu viz., Karthick, S/o.Ayampillai, aged about 22 years. The detenu has been detained, as per the order of the second respondent, dated 18.09.2019, under Section 2(e) of the Tamil Nadu Act 14 of 1982, branding him as "Drug Offender". Challenging the same, the petititoner is before this Court in this Habeas Corpus Petition.



2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

3. On a perusal of the booklet supplied to the detenu, it is seen that the relied upon documents, namely, the bail order in CrI.O.P.(MD) No.6294/2019 dated 18.05.2017 is totally illegible and the Tamil version of the same has not been furnished to the detenu. This, in our opinion, would vitiate 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 BCDFGISSSV No.25/2019 dated 18.09.2019 is quashed. The detenu, namely Karthick, S/o.Ayampillai, aged about 22 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 //

/ /2020

Sub Assistant Registrar(CS)

To

- 1.The Additional Chief Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9.
- 2.The District Magistrate and District Collector
Madurai District, Madurai.
- 3.The Superintendent of Prison
Central Prison, Madurai.
- 4.The Joint Secretary of Government, Public (Law & Order)
Fort St. George, Chennai -09.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Order made in
H.C.P. (MD)No.1017 of 2019**

Dated: 23.06.2020

SPU (06.07.2020) 2P-6C

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