



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

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

H.C.P. (MD)No.1175 of 2019

Manikandan : Petitioner/Detenu

Vs.

1.State of Tamil Nadu

Rep. by the Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.

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

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 with the detention order passed in TNPDABCDGFISSV No.5/Goonda/2019 dated 24.06.2019 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the body of the detenu namely, Manikandan, aged about 24 years, S/o.Babu @ Muthupandi, now detained at Central Prison, Madurai before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

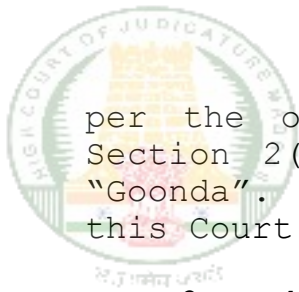
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

(Order of the Court was made by B.PUGALENDHI, J.)

The petitioner is the detenu viz., Manikandan S/o.Babu @ Muthupandi, aged about 24 years. The detenu has been detained, as

<https://hcservices.ecourts.gov.in/hcservices/>



per the order of the second respondent, dated 24.06.2019 under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petitioner/detenu 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. A perusal of the Grounds of Detention dated 20.08.2019 passed by the 2nd respondent herein, would disclose among other things that the detenu, viz., Manikandan was involved in a case for the commission of offences under Sections 294(b), 324, 506(II), 387, 307 I.P.C. in Parthibanoor Police Station Crime No.68 of 2019 on the basis of the complaint given by the defacto complainant viz., Manojkumar. The detenu was arrested on 13.04.2019 and remanded to judicial custody on 26.04.2019. The detaining authority on being satisfied with the materials placed by the sponsoring authority that the activities of the detenu are prejudicial to the maintenance of public order, clamped the order of detention and making a challenge to the same, the present Habeas Corpus Petition has been filed by him.

4. The learned counsel for the petitioner would submit that the detaining authority has referred to the bail order in Cr.M.P.No.108/2019, which was granted to one Moorthy, an accused in Crime No.454/2017, which was considered by the Principal Sessions Judge, Theni, as that of a similar case and therefore, there is every possibility of the detenu coming out on bail. However, in the relied upon documents, the bail order in Cr.M.P.No.108/2018 (Page No.114 of the booklet), was furnished in English version and the Tamil translated copy was not furnished and therefore, according to the petitioner, he was deprived of his opportunity from making effective representation as against the order of detention.

5. While arriving at a subjective satisfaction, the detaining authority has stated that the bail application filed by the detenu is pending before the concerned Court. However, the detaining authority has referred to the bail order that has been granted to a similarly placed person in Cr.M.P.No.108/2018, in which, in the relied upon documents, the said order granting bail has been furnished in English and the Tamil translated copy has not been furnished to the detenu, by which, the detenu has been deprived of his opportunity of making effective representation. Hence, on this sole ground, the impugned order is liable to be quashed.

6. 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 in TNPDABCDFGISSV No.5/Goonda/2019 dated 24.06.2019 is quashed. The detenu, namely



to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

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

Order made in
H.C.P. (MD)No.1175 of 2019
Dated: 19.03.2020

AP(01/06/2020) 3P 6C