



HCP(MD)No.13 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.08.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mrs. Justice **R.HEMALATHA**

H.C.P.(MD)No.13 of 2022

Krishnaveni

.. Petitioner /
wife of the detenu

Vs.

1.The State of Tamil Nadu
rep. by its Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

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

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the detention order No.BCDFGISSSV No.27/2021 dated 08.12.2021 passed by the 2nd respondent on petitioner's husband namely, Ramesh @ Bow, S/o.Natarajan, aged 30 years, who has been detained and branded as Goonda under the Tamil Nadu Prevention of Dangerous Activities of



HCP(MD)No.13 of 2022

Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers, and Video Pirates Act, 1982 (Tamil Nadu) Act 14/1982) and confined at Central Prison, Madurai, Madurai District and set aside the same and set the detenu at liberty.

For Petitioner : Mr.S.Vasanth Yuges

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Ramesh @ Bow, S/o.Natarajan, aged about 30 years. The detenu has been detained by the second respondent by his order in No.BCDFGISSSV No.27/2021 dated 08.12.2021 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.Though the learned counsel for the petitioner has raised several



HCP(MD)No.13 of 2022

other grounds to assail the order of detention, he has mainly focused his argument on the ground that the copy of the ground case remand order has not been furnished to the detenu in vernacular language, despite the same has been sought for by the petitioner in his representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, in Page No. 121 of the typed set of papers, the remand order of the learned III Additional District and Sessions Court (PCR), Madurai, has been furnished. However, the same has not been furnished to the detenu in vernacular language, which vitiates the order of detention.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.BCDFGISSSV No.27/2021 dated 08.12.2021 passed by the second respondent is set aside. The detenu, viz., Ramesh @ Bow, aged about 30 years, S/o.Natarajan, is directed to be released forthwith unless his detention is required in connection with any other case.

RR

(P.N.P.,J.) (R.H.,J.)
30.08.2022



HCP(MD)No.13 of 2022

Index : Yes/No

Internet : Yes

To

1. The Additional Chief Secretary to Government
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2. The District Collector and District Magistrate
Madurai District, Madurai.

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

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



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HCP(MD)No.13 of 2022

P.N.PRAKASH,J.
and
R.HEMALATHA,J.

RR

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