



HCP(MD)No.21 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.07.2022

CORAM

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

H.C.P.(MD)No.21 of 2022

Karnan

.. Petitioner /detenu

Vs.

- 1.The Additional Chief Secretary to Government,
State of Tamilnadu
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Madurai District
3. The Superintendent of Prison,
Madurai Central Prison, Madurai.

.. 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 of the respondent No.2 in BCDFGISSSV No.24/2021 dated 29.11.2021 and quash the same and to direct the respondents to produce the body or person of the detenu by name Karnan son of Ammasithevar, aged about 58 years, now confining as Goonda at Madurai Central Prison before



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HCP(MD)No.21 of 2022

this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

The petitioner is the detenu viz., Karnan, S/o.Ammasithevar, aged about 58 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.24/2021 dated 29.11.2021 holding him to be a "Drug Offender", as contemplated under Section 2(e) 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 other grounds to assail the order of detention, he has mainly focused his argument on the ground that similar case bail order, which has been relied



HCP(MD)No.21 of 2022

upon by the detaining authority, has not been furnished in vernacular language. This deprived the detenu from making effective representation.

Therefore, on these grounds, 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 Paragraph No.5 of the grounds of detention, the detaining authority has relied upon the order dated 08.10.2021 in CrI.M.P.No.1791/2021 that was passed by the Special Court for EC & NDPS Act cases in a similar case. But, however, Tamil version has not been furnished to the detenu.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.24/2021 dated 29.11.2021 passed by the second respondent is set aside. The detenu, viz., Karnan son of Ammasithevar, aged about 58 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.H.,J.)
05.07.2022

Index : Yes/No

Internet : Yes

RR



HCP(MD)No.21 of 2022

To

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



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and
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