



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No. 260 of 2022

Utchimakali

... Petitioner/wife of the dtenu

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamilnadu,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi - 11.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records, connected with the detention order of the second respondent in M.H.S.Confdl No.17/2021 dated 15.03.2021 and quash the same and direct the respondents to produce the detenu by name Manoj, Son of Tamilselvam aged about 24 years, now detained at Palayamkottai Central Prison before this Honourable Court and set him at liberty.

For Petitioner : Mr.R.Vinoth Bharathi

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The petitioner challenges the order of detention dated 15.03.2021 in and by which the husband of the detenu was branded as Goonda under Section 2(f) of Tamil Nadu Act 14 of 1982.



2. The detaining authority has stated that the husband of the petitioner has indulged in various crimes within the limits of Tenkasi and Keevalur police stations. Taking into account the fact that the husband of the petitioner has been charged with offence in more than seven criminal cases, the detaining authority had chosen to exercise the powers under the Tamil Nadu Act 14 of 1982 and pass the order of detention. The first Habeas Corpus Petition filed by the petitioner solely on the ground of delay was dismissed by a Division Bench of this Court on 08.11.2021. Now, the petitioner seeks to quash the detention order on the ground that the detaining authority has relied upon a bail order passed in a similar case in Cr.M.P.No.8081 of 2018 by the learned Judicial Magistrate, Alangulam. It is also the further contention that there is a mistake in the translation of the bail order in similar case.

3. We find some force in the contention of the petitioner. The mere fact that an accused in similar case was granted bail would not form a ground for detention. We also find that there are mistakes in the translated copy of the bail order that is supplied to the detenu. Proper translated copy of the bail order is not issued to the detenu, which vitiates the detention order.

4. Hence, the Habeas Corpus Petition is allowed and the order of detention in M.H.S.Confdl. No.17/2021 dated 15.03.2021 passed by the second respondent is set aside. The detenu, namely, Manoj, S/o.Tamilselvam, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamilnadu, Fort St. George, Chennai - 600 009.



2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi - 11.

3.The Superintendent of Prison, Palayamkottai Central Prison,
Tirunelveli District.

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.

H.C.P. (MD) No.260 of 2022
23.02.2022

RK(10/03/2022) 3P 6C