



HCP(MD)No.572 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.572 of 2022

Palani @ Palanikumar

.. Petitioner

Vs.

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

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Habeas Corpus, calling for the entire records, connected with



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the detention order of the second respondent in Detention Order S.R.No. 83/Goonda/2021 dated 07.09.2021 and quash the same and to direct the respondents to produce the body or person of the detenu by name Palani @ Palanikumar, son of Nagu, aged about 29 years, now confining as "Goonda" at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz., Palani @ Palanikumar, son of Nagu, aged about 29 years. The detenu has been detained by the second respondent by his order in S.R.No.83/Goonda/2021 dated 07.09.2021, 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.



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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 the bail application pertaining to the ground case has not been translated in vernacular language. He further submitted that in paragraph No.6 of the grounds of detention order, the detaining authority has relied upon the bail order of the Sessions Court, Ramanathapuram in CrI.M.P.No.1024 of 2020 dated 29.05.2020, however, only English version of the order has been furnished to the detenu and bail application pertaining to the ground case has not been translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.



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4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.142 to 144 of the booklet, it is clear that the bail application pertaining to the ground case has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in S.R.No.83/Goonda/2021 dated 07.09.2021, passed by the second respondent is set aside. The detenu, viz., Palani @ Palanikumar, son of Nagu, aged about 29 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.)
04.07.2022

Index: Yes/No
Internet : Yes / No
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
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