



HCP(MD)No.867 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.07.2022

CORAM

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

H.C.P.(MD)No.867 of 2022

Sumathi

.. Petitioner /sister of the
detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,
Tiruchirappalli City
Tiruchirappalli.

3. The Superintendent of Prison,
Central Prison, Tiruchirappalli.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in C.No.64/Detention/CPO/TC/2021 dated 25.11.2021 in detaining the detenu under Section 2(f) of the Tamilnadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely Muruganandam, S/o.Kaliaperumal, male aged about 43 years, who is



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detained at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the sister of the detenu viz., Muruganandam, S/o.Kaliaperumal, aged about 43 years. The detenu has been detained by the second respondent by his order in C.No.64/Detention/CPO/TC/2021 dated 25.11.2021 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 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



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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 23.10.2021 in CrI.M.P.No.4529/2021 that was passed by the Principal District and Sessions Judge in a similar case, but, however, Tamil version has not been furnished to the detenu, which vitiates the order of detention.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.64/Detention/CPO/TC/2021 dated 25.11.2021 passed by the second respondent is set aside. The detenu, viz., Muruganandam son of Kaliaperumal, aged about 43 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.)
19.07.2022

Index : Yes/No

Internet : Yes

RR



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To

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2. The Commissioner of Police,
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Tiruchirappalli.
3. The Superintendent of Prison,
Central Prison, Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
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RR

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