



HCP(MD)No.1411 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **02.12.2022**

CORAM

THE HON'BLE MR JUSTICE M.S. RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1411 of 2022

P.Senthil Kumar

... Petitioner / Father of the Detenue

Vs.

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

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

3.The Superintendent,
Central Prison,
Madurai.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the of detention order passed by the 2nd respondent in Cr.M.P.No.26/Goonda/2022 dated 20.05.2022 and quash the same and direct the respondents to produce the body or person of the detenue, namely, Palpandi, S/o.Senthil Kumar,



HCP(MD)No.1411 of 2022

aged about 22 years, (now detained at Central Prison, Madurai) before this Court and set him at liberty.

For Petitioner : Mr.P.Banu Prasath

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by **N. ANAND VENKATESH, J.**)

The petitioner is the father of the detenu viz., Palpandi, S/o.Senthil Kumar, aged about 22 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.26/Goonda/2022 dated 20.05.2022 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.



HCP(MD)No.1411 of 2022

made by the petitioner, the petitioner had sought for the translated copy of the bail order in CrI.M.P.(MD)No.1631 of 2021, dated 24.02.2021 and the same has not been furnished. In view of the same, the detenu was not in a position to effectively make a representation. It is also seen that inspite of the request made by the detenu for furnishing translated copy of the bail order, the same has not been furnished. Therefore, on that score, the order of detention is liable to be interfered with by this Court. The impugned detention order is, therefore, liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.26/Goonda/2022 dated 20.05.2022 passed by the second respondent is set aside. The detenu, viz., Palpandi, S/o.Senthil Kumar, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (N.A.V.,J.)
02.12.2022

Index : Yes/No
Internet : Yes
Sm



HCP(MD)No.1411 of 2022

To:

WEB COPY

- 1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Sivagangai District,
Sivagangai.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP(MD)No.1411 of 2022

M.S. RAMESH, J.

and

N. ANAND VENKATESH, J.

Sm

H.C.P.(MD)No.1411 of 2022

02.12.2022