



HCP(MD)No.1967 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2022

CORAM

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

H.C.P.(MD)No.1967 of 2021

Surya

.. Petitioner /detenu

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
Tiruchirappalli City
Tiruchirappalli.

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

.. 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 C.No. 47/Detention/C.P.O./T.C./2021 dated 11.11.2021 and quash the same and direct the respondents to produce the body or person of the detenu by name Surya son of Krishnamurthy, aged about 21 years, now detained as Goonda



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at Trichy Central Prison before this Court and set him at liberty forthwith.

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For Petitioner : Mr.R.Alagumani

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., Surya, S/o.Krishnamurthy, aged about 21 years. The detenu has been detained by the second respondent by his order in C.No.47/Detention/C.P.O./T.C./2021 dated 11.11.2021 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 the copy of the remand order has not been



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furnished to the detenu in vernacular language, despite the same has been sought for by the petitioner in his representation. Therefore, on the sole ground, 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, the representation made by the petitioner dated 06.12.2021, he had sought for the remand order of the learned Judicial Magistrate, No.V, Tiruchirappalli, however, the same has not been furnished to the detenu in vernacular language, which vitiates the order of detention.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.47/Detention/C.P.O./T.C./2021 dated 11.11.2021 passed by the second respondent is set aside. The detenu, viz., Surya, aged about 21 years, S/o.Krishnamurthy, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.H.,J.)
11.08.2022

Index : Yes/No

Internet : Yes

RR



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3. The Superintendent of Prison,
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Trichy District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
R.HEMALATHA,J.

RR

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