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HCP.No.1685/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1685/2023

Ranjitha

Vs.

... Petitioner

- 1.The State of Tamil Nadu
rep.by Principal Secretary to Government
Home, Prohibition & Excise Department
Fort St George, Chennai 600 009.
- 2.The District Collector & District Magistrate
Mayiladuthurai District, Mayiladuthurai.
- 3.The Superintendent of Police
Mayiladuthurai District, Mayiladuthurai.
- 4.The Superintendent of Prison
Special Prison for Women, Trichy
Trichy.
- 5.The Inspector of Police
Kuthalam Police Station
Kuthalam Taluk, Mayiladuthurai District.

... Respondents



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Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records made in COC No.27/2023 dated 05.06.2023 on the file of the 2nd respondent herein and quash the same as illegal and direct the respondent to produce detainee viz., Vasuki, wife of Kannan, aged about 45 years, now confined in Special Prison for Women, Trichy, before this Court and set him at liberty.

For Petitioner	: Mr.C.T.Saravanan
For Respondents	: Mr.E.Raj Thilak
	Additional Public Prosecutor
	assisted by Mr.Aravind.C.

ORDER

[Order of the Court was made by S.S.SUNDAR, J]

- (1)The petitioner, who is the daughter of the detainee Vasuki, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 05.06.2023 slapped on her mother, branding her as "Bootlegger" under the Tamil Nadu Act 14 of 1982.
- (2)Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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(3) Though several grounds have been raised by the petitioner, the learned counsel for the petitioner has stated that the Detention Order is vitiated on the ground of non-furnishing of the vital document, namely, Remand Extension Order, to the detenu in the Booklet, both in English version and in vernacular version and the Detention Order is liable to be quashed on this sole ground.

(4) In paragraph No.6 of the Grounds of Detention, it has been stated that the detenu was produced before the learned Judicial Magistrate No.2, Mayiladuthurai, on 13.05.2023 and remanded to judicial custody upto 26.05.2023 and further extended up to 09.06.2023. However, it is seen from the Booklet furnished to the detenu by the Detaining Authority, the Remand Extension Order has not been placed. The non-furnishing of the vital document to the detenu would deprive him of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on this ground and the same is liable to be quashed.

(5) In view of the aforesaid reasons, the detention order passed by the 2nd respondent dated 05.06.2023 in COC.No.27/2023 is hereby set aside and



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the Habeas Corpus Petition is allowed. The detenu is directed to be set at liberty forthwith unless he is required in connection with any other case.

[S.S.S.R., J.] [S.M, J.]
06.11.2023

AP

Internet: Yes

To

- 1.The Principal Secretary to Government
State of Tamil Nadu
Home, Prohibition & Excise Department
Fort St George, Chennai 600 009.
- 2.The District Collector & District Magistrate
Mayiladuthurai District, Mayiladuthurai.
- 3.The Superintendent of Police
Mayiladuthurai District, Mayiladuthurai.
- 4.The Superintendent of Prison
Special Prison for Women, Trichy
Trichy.
- 5.The Inspector of Police
Kuthalam Police Station
Kuthalam Taluk, Mayiladuthurai District.
- 6.The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

AP

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