



HCP(MD)No.42 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.42 of 2023

A.Sureshkannan

.. Petitioner/Brother of the Detenu

Vs.

1.State of Tamil Nadu,

Rep. By the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate,

Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,

Central Prison,
Palayamkottai,
Tirunelveli 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 the detention order passed in H.S.(M)Confdl.No.176 of 2022, dated



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25.08.2022, on the file of the second respondent herein, quash the same and direct the respondents to produce the detenu or body of the detenu, namely, the petitioner's brother Mathanraj, aged about 21 years, S/o.Arumugam, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Praglathan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER
(Order of the Court was made by M.S.RAMESH, J.)

The petitioner is the brother of the detenu viz., Mathanraj, aged about 21 years, S/o.Arumugam,. The detenu has been detained by the second respondent by his order in H.S.(M) Confdl.No.176/2022, dated 25.08.2022, 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.



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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 furnished to the petitioner in vernacular language, despite the same has been sought by him 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, it is seen that the petitioner had sought the remand order of the learned Judicial Magistrate, No.III, Thoothukudi, however, the same has not been furnished to him 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 H.S.(M)Confdl.No.176/2022, dated 25.08.2022, passed by the second respondent is set aside. The detenu, viz., Mathanraj, aged about



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21 years, S/o.Arumugam, is directed to be released forthwith unless his detention is required in connection with any other case.

NCC : Yes / No
Index : Yes / No

(M.S.R.,J.) (M.N.K.,J.)
07.07.2023

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH, J.
and
M.NIRMAL KUMAR, J.

smn2/RR

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