



WEB COPY



HCP(MD)No.1079 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.1079 of 2022

Dhanalakshmi

.. Petitioner/ Detenu

Vs.

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

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Theni District.

3.The Superintendent of Prison,
Special Prison for Women,
Madurai 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 pertaining to the detention order of the 2nd respondent in Detention Order No.53/2022 dated 08.06.2022 and quash the same and direct the respondents to produce the



HCP(MD)No.1079 of 2022

person or body of the detenu, by name, Dhanalakshmi, wife of Alagarsamy, aged about 42 years, now detained as 'Drug Offender' at the Special Prison for Women, Madurai, before this Court and set her at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

The detenu Dhanalakshmi, detained under Act 14 of 1982 for being a 'Drug Offender', is before this Court challenging the detention order dated 08.06.2022.

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.1079 of 2022

3. The learned counsel for the petitioner submitted that for alleged conscious possession of 12 kgs of Ganja along with two other accused persons, the petitioner was arrested on 25.05.2022. She was picked and chosen for detention under Act 14 of 1982 and the impugned detention order was passed on 08.06.2022. Though the learned counsel for the petitioner 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, in which the detenu was remanded in the ground case, has not been furnished to the detenu in vernacular language. Hence, the detenu was not able to make an effective representation.

4. The learned Additional Public Prosecutor submitted that the petitioner being involved in drug trafficking has two adverse cases and one ground case and therefore, been detained under Act 14 of 1982 to prevent the menace of drug trafficking. However, he confessed that the tamil version of the remand order was not furnished to the detenu.



HCP(MD)No.1079 of 2022

5. We have carefully gone through the detention order and the paper book that has been placed before this Court. We find that the tamil translation of the remand order has not been furnished. In view of the same, the detenu was not able to make an effective representation and it affect her right under Article 22 of the Constitution of India. Therefore, on that score, the order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.53/2022 dated 08.06.2022, passed by the second respondent is set aside. The detenu, Dhanalakshmi, wife of Alagarsamy, aged about 42 years, is directed to be released forthwith unless her detention is required in connection with any other case.

[G.J.,J.] & [S.M.,J.]
19.01.2023

Internet: Yes/No
Index: Yes/No
PJL



HCP(MD)No.1079 of 2022

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Madurai Bench of Madras High Court,
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