



HCP(MD)No.1165 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.01.2023

CORAM

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

H.C.P.(MD)No.1165 of 2022

Veeralakshmi

.. Petitioner/ Mother of the
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,
Madurai District,
Madurai.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records connected with the detention order passed in B.C.D.F.G.I.S.S.S.V.No.41/2022 dated 22.06.2022 on the file of the 2nd respondent herein and quash the same and to direct the respondents to produce the detenu or body of the detenu namely, Karthi, male, aged about 27 years, son of Veluchamy, now detained at the Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.B.Vinothkumar

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The mother of the detenu is before this Court challenging the detention order slapped on her son, namely, Karthi, son of Veluchamy, aged about 27 years, branding him as “Goonda” under Act 14 of 1982.



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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. According to the petitioner inspite of the request to furnish the Tamil version of the remand order and the details of the similar case referred, the detaining authority has not furnished those copies which has prejudiced the right of the detenu to make an effective representation.

4. A perusal of the paper book indicates that the remand order of the detenu in the ground case is in English and no Tamil version is available. It is also admitted fact that the detenu has sought for Tamil version, but not furnished. For the said reasons, this Court finds that the non-furnishing of the Tamil version of the remand order has caused prejudice to the detenu. Hence, on this ground, the detention is liable to be quashed.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.41/2022 dated 22.06.2022 passed by



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the second respondent is set aside. The detenu, viz., Karthi, aged about 27 years, son of Veluchamy, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.J.,J.] & [S.M.,J.]
24.01.2023

NCC : Yes/No
Index : Yes/No
Internet :Yes

PJL

To

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2.The District Collector and District Magistrate,
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3.The Superintendent of Prison,
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4.The Inspector of Police,
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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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