



HCP(MD)No.1208 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1208 of 2022

Vigneshkumar

.. Petitioner / detenu

Vs.

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

2.The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Virudhunagar District

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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 Cr.M.P.No.23/2022 (Goonda) dated 24.06.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Vigneshkumar son of Muthukutti



HCP(MD)No.1208 of 2022

aged about 29 years, now detained at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

Challenging the impugned detention order of the 2nd respondent in his proceedings in Cr.M.P.No.23/2022 (Goonda) dated 24.06.2022 and produce the detenu namely Vigneshkumar, S/o.Muthukutti, aged about 29 years, now is confined in Central Prison, Madurai, before this Court, this Habeas Corpus Petition has been filed.

2. Among other grounds, the learned counsel for the petitioner has raised a ground that in the grounds of detention, the detaining authority has relied upon the remand order under which the detenu has been remanded in the ground case, where he was arrested and such remand has been time and again extended and all these remand orders and extension orders have been relied upon in Paragraph No.3 of the grounds of detention by the detaining



HCP(MD)No.1208 of 2022

authority to arrive at a subjective satisfaction to declare him as a Goonda, however, those remand orders in English issued by the concerned Court has been supplied to the detenu and despite the fact that the detenu does not know English and well-versed only in Tamil, the Tamil translated version has not been supplied.

3. Heard the learned Additional Public Prosecutor, who would submit that, in the remand report half of the document in English and half of the document in Tamil. Therefore, the detenu might have understood the same and that cannot be cited as one of the ground to challenge the impugned order.

4. We have considered the rival submissions and perused the materials available on record.

5. Since the remand order and the remand extension order are very much relied upon by the detaining authority to arrive at a subjective satisfaction, the documents in vernacular language should have been furnished, which have not been furnished and therefore, it is a failure on the



HCP(MD)No.1208 of 2022

part of the detaining authority. Therefore, on that ground, the order
impugned can be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.23/2022 (Goonda) dated 24.06.2022 passed by the second respondent is set aside. The detenu, viz., Vigneshkumar, S/o.Muthukutti aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(R.S.K.,J.) (K.K.R.K.,J.)
21.06.2023

Index : Yes/No

Internet : Yes

RR

To

- 1.The Principal 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
Virudhunagar District
- 3.The Superintendent of Prison,
Madurai Central Prison, Madurai District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



HCP(MD)No.1208 of 2022

R.SURESH KUMAR,J.
and
K.K.RAMAKRISHNAN,J.

RR

H.C.P.(MD)No.1208 of 2022

21.06.2023