



HCP(MD)No.1258 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.1258 of 2022

Tamilselvam @ Kuttysakku

.. 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
Madurai 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 BCDFGISSSV No.45/2022 dated 28.06.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Tamilselvam @ Kuttisakku, son of



HCP(MD)No.1258 of 2022

Sivakumar @ Thangaraj aged about 27 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 BCDFGISSSV No.45/2022 dated 28.06.2022 and produce the detenu namely Tamilselvam @ Kuttisakku, S/o.Sivakumar @ Thangaraj, aged about 27 years, now is confined in Central Prison, Madurai, before this Court, this Habeas Corpus Petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. Among various grounds raised by the petitioner, one prime ground that he has raised is that even though the remand report under which the detenu has been remanded in the ground case, where he was arrested on



HCP(MD)No.1258 of 2022

09.03.2022, has been relied upon by the detaining authority as part of the materials to come to a subjective satisfaction, that remand report in English version alone has been served on the detenu, however, no vernacular copy of the same has been served, despite the fact that the detenu does not know English. Therefore, having gone through the same, on this simple point, we feel that the impugned order can be interfered with.

4. In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.45/2022 dated 28.06.2022 passed by the second respondent is set aside. The detenu, viz., Tamilselvam @ Kuttisakku, S/o.Sivakumar @ Thanjaraj aged about 27 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



HCP(MD)No.1258 of 2022

To

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
Madurai 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.1258 of 2022

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

RR

H.C.P.(MD)No.1258 of 2022

21.06.2023