



HCP(MD)No.1497 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.01.2023

CORAM

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

H.C.P.(MD)No.1497 of 2022

S.Methadevi

.. Petitioner/wife 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,
Thanjavur,
Thanjavur District.

3.The Superintendent of Prison,
Central Prison,
Tiruchirapalli,
Tiruchirapalli District.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records in Detention order in P.D.No.66/2022 dated 15.06.2022 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the Petitioner's husband, namely, T.Cholaram, S/o.Thuthaji, aged about 41 years, who is detained in the Central Prison, Trichirappalli, before this Court and set him at liberty.

For Petitioner : Mr.NA.Manimaran

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

ORDER

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

This petition is filed by the wife of the detenu challenging the preventive detention order of her husband branding him as 'Drug Offender'.

2. According to the petitioner, the detention order suffers from non



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application of mind and failure to follow the due process. It is contended that Cholaram was arrested on 18.05.2022 on the confession made by the other accused, who were intercepted while travelling in a Mahindra Xylo car bearing Registration No.TN 12 5664. The police team attached to Thanjavur Town West Police Station seized huge quantity of banned tobacco product weighing around 549 kgs of tobacco products and on further investigation based on the confession of the accused persons, further seizure of nearly 2000 kgs of tobacco products were seized.

3. Considering their presence is a threat to public peace, detention order was passed by the detaining authority on 15.06.2022. The grounds of detention was served on the detenu to make due representation and it is contended that the copies were not legible and due to the illegible copy, proper representation could not be made. Further, it is also contended that the detenu being a north Indian, knows only Hindi language and copies furnished to him is in English, which has disintitiled him to make effective representation. A few other grounds also raised by the petitioner to quash the impugned the detention order.



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4. This Court satisfied on the ground that the legible copies of the documents relied by the prosecution not been furnished. On perusal of the paper book, even the legible copies of Tamil translation of the documents is not given to the detenu, who knows Hindi alone. For the sole ground the detention order is quashed.

5. In the result, this Habeas Corpus Petition is allowed and the order of detention in P.D.No.66/2022 dated 15.06.2022, passed by the second respondent is set aside. The detenu, viz., T.Cholaram, S/o.Thuthaji, aged about 41 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.J.,J.] & [S.M.,J.]
30.01.2023

Index: Yes/No
Internet: Yes/No

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To

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State of Tamil Nadu,
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Chennai-600 009.
2. The District Collector and District Magistrate,
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Thanjavur District.
3. The Superintendent of Prison,
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Tiruchirapalli,
Tiruchirapalli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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