



H.C.P.(MD) No.1617 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1617 of 2022

Ranjithkumar

... Petitioner / Detenu

Vs.

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

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

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

...Respondents



H.C.P.(MD) No.1617 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order of the Respondent No.2 in Detention Order No.67/2022 dated 23.07.2022 and quash the same and direct the Respondents to produce the body or person of the detenu by name Ranjithkumar, Son of Raja, aged about 40 years, now confining as “GOONDA” at Madurai Central Prison, before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Habeas Corpus Petition has been filed to call for the entire records connected with the detention order of the Respondent No.2 in Detention Order No.67/2022 dated 23.07.2022 and quash the same and direct the Respondents to produce the body or person of the detenu by name Ranjithkumar, Son of Raja, aged about 40 years, now confining as “GOONDA” at Madurai Central Prison, before this Court and set him at liberty forthwith.



2. The petitioner was arrested in the ground case for the alleged offences under Sections 341 and 307 I.P.C. on 28.06.2022.

3. Following which, the respondent detaining authority on the basis of the Sponsoring Authority's report has slapped the provisions of Act 14 of 1982 against the petitioner and he has been detained by the order dated 23.07.2022. Challenging the said order, the present Habeas Corpus Petition has been filed.

4. Mr.R.Alagumani, learned counsel appearing for the petitioner, among various grounds, has primarily raised a ground that, certain documents, including the remand report of the petitioner having been relied upon by the detaining authority, those documents had not been supplied in Tamil i.e., vernacular as the petitioner or his family members do not know English.

5. In this context, in the representation dated 19.09.2022 at para 5, it has been specifically requested by the petitioner that the documents at the paper booklet at page Nos.15, 16, 30, 31, 32, 47, 51, 62, 65 and 82 are in



English and therefore, the translated version in Tamil should be furnished to the petitioner.

6. Despite this request having been made by the petitioner, the said document i.e., the translated version of those documents have not been furnished on the petitioner and therefore, the petitioner was not able to give an effective representation within the meaning of Article 22(5) of the Constitution and therefore, on that ground itself the impugned detention order could not stand in the legal scrutiny, he contended.

7. We have heard Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents, who would submit that, even though such demand has been made at para 5 of the representation of the petitioner dated 19.09.2022, if those documents, which are in English have not been given by way of translated copy in Tamil, whether that would be a fatal to the impugned detention order is to be decided by this Court based on the circumstances of the case, he contended.



8. We have considered the said submissions made by the learned counsel for both sides and perused the materials placed before this Court.

9. It is the settled proposition that, wherever the documents have been relied by the detaining authority, those documents should be furnished to the detenu and in this context, if the detenu or his family members are not well-versed with English or not known the language if the document in English certainly the vernacular documents i.e. translated version of the language of the detenu shall be furnished.

10. Here in the case on hand, the petitioner, even though has made specific demand in his representation referred to above dated 19.09.2022 to give Tamil translated version of the documents at various pages, that request has not been considered therefore, it can easily be presumed by virtue of the non-supply of translated version of those documents, the right of the petitioner to make an effective representation is prejudiced. Therefore, on that ground, in view of the earlier orders passed on similar point, we are inclined to allow this Habeas Corpus Petition.



H.C.P.(MD) No.1617 of 2022

11. In the result, the Habeas Corpus Petition is allowed. The order of detention passed by the second respondent, in Detention Order No. 67/2022 dated 23.07.2022, is set aside. Consequently, the detenu, namely, Ranjithkumar, son of Raja, aged about 40 years, who is now detained at Central Prison, Madurai, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

(R.S.K., J.) & (K.K.R.K, J.)
29.03.2023

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

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

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

6/8



H.C.P.(MD) No.1617 of 2022

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

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD) No.1617 of 2022

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

SJ

H.C.P.(MD)No.1617 of 2022

29.03.2023