



HCP(MD)No.1922 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.1922 of 2022

Sankar @ Aathi Narayanan

.. 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 Magistrate and District Collector
Office of the District Magistrate and District Collector
Ariyalur District, Ariyalur.

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

.. Respondents

PRAYER: 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.32/2022 dated



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13.10.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Sankar @ Aathi Narayanan, son of Purushothaman, aged about 47 years now detained as Goonda at Trichy 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 M.S.RAMESH,J.)

The petitioner is the daughter of the detenu viz., Sankar @ Aathi Narayanan, S/o. Purushothaman, aged about 47 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.32/2022 dated 13.10.2022 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We



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have also perused the records produced by the Detaining Authority.

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3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the copy of the translated copy of the remand order has not been furnished to the detenu, despite the same has been sought for by the petitioner in his representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor for the respondents strongly made his objection by filing counter affidavit.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, the representation made by the petitioner dated 08.11.2022, he had sought for the translated copy of the remand order, however, the same has not been furnished to the detenu, which vitiates the order of detention.



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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.32/2022 dated 13.10.2022 passed by the second respondent is set aside. The detenu, viz., Sankar @ Aathi Narayanan S/o.Purushothaman, aged about 47 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
14.07.2023

NCC : Yes / No
Index : Yes / No
RR



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To

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Trichy Central Prison,
Trichy District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

RR

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