



HCP(MD)No.2029 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2023

CORAM

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

H.C.P.(MD)No.2029 of 2022

Arokkiyaraj @ Poonai Arokkiyam

.. Petitioner /father
of the Detenu

Vs.

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Theni, Theni District
- 3.The Inspector of Police,
Uthammapalayam Police Station,
Theni District
- 4.The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.

.. Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in Detention Order No.88/2022 dated 05.09.2022 and quash the same and direct the respondents to produce the detenu namely Rajkumar @ Puzhuvu aged about 22 years S/o.Arokkiyaraj @ Poonai Arokkiyam, before this Court and set him at liberty now detained at Central Prison, Madurai.

For Petitioner : Mr.P.Senguttuarasan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is the father of the detenu viz., Rajkumar @ Puzhuvu S/o.Arokkiyaraj @ Ponnai Arokkiyam, aged about 22 years. The detenu has been detained by the second respondent by his order in Detention Order No. 88/2022 dated 05.09.2022 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.



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2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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 remand order and bail dismissal order have not been furnished to the detenu in vernacular language, 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. On consideration of the submissions made on either side and upon perusal of the documents available on record, it is seen that the bail dismissal order and remand order have not been served to the petitioner in the language known to him, i.e., Tamil. It is not in dispute that the qualification of the petitioner is only 8th standard. However, non furnishing the remand and bail dismissal order in vernacular language vitiates the order



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of detention.

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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Detention Order No.88/2022 dated 05.09.2022 passed by the second respondent is set aside. The detenu, viz., Rajkumar @ Puzhuvu, S/o.Arokkiyaraj @ Poonai Arokkiyam, aged about 22 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.)
10.07.2023

NCC : Yes / No
Index : Yes / No
RR



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To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Theni, Theni District
3. The Inspector of Police,
Uthammapalayam Police Station,
Theni District
4. The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.
5. 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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