



WEB COPY



HCP.No.1946 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.1946 of 2024

M.Gayathri

... Petitioner

Vs.

1.The State of Tamil Nadu represented by,
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai, Tamil Nadu - 600 009.

2.The District Collector and District Magistrate,
Tiruvarur District, Tiruvarur.

3.The Superintendent of Police,
Tiruvarur District, Tiruvarur.

4.The Superintendent of Prison,
Central Prison, Tiruchirappalli.

5.The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in detention order in C.O.C.No.09/2024, dated 15.06.2024, on the file of the 2nd respondent and set aside the same and direct the respondents herein to produce the body of the



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detenue Thiru.Muniyappan, S/o.Kanthasamy, aged 38 years, now confined in Central Prison at Tiruchirappalli, before this court and set him at liberty.

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For Petitioner : Mr.N.S.Suganthan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in C.O.C.No.09/2024, dated 15.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The Government Order furnished to the detenue is in unknown language to the detenue, which would vitiate the entire proceedings.

3.The non supply of translated version of the Government Order in the language known to the detenue caused prejudice to the detenue for submitting effective representation, which is a valuable right provided to the detenue under the Act.

4.Thus, the impugned order of detention in C.O.C.No.09/2024, dated 15.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Thiru.Muniyappan, S/o.Kanthasamy, aged 38 years, now



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detained in Central Prison, Tiruchirappalli, is directed to be set at liberty forthwith

unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[N.S., J.]

29.08.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

1.The State of Tamil Nadu represented by,
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6.The Public Prosecutor,
High Court, Madras.



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S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.

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