



WEB COPY



HCP.No.2567 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2567 of 2024

Jani Samal

... Petitioner /wife of the detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The District Collector and District Magistrate,
Coimbatore,
Coimbatore District.
- 3 The Superintendent of Police,
Coimbatore,
Coimbatore District.
- 4 The Superintendent of Prison,
Central Prison- Coimbatore,
Coimbatore District.
- 5 State Rep.by its
The Inspector of Police,
PEW Periyanaickenpalayam,
Coimbatore District.

... Respondents



HCP.No.2567 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 25.09.2024 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.55/.D.O./2024 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely, Sanjayakumar Samal S/o. Gobarthan Samal , aged about 40 yrs, before this Hon'ble High Court and set the petitioner's husband at Liberty from detention, now the petitioner's husband detained at Central Prison Coimbatore.

For Petitioner : Mr. W. Camyles Gandhi

For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by the The District Collector and District Magistrate, Coimbatore,, in Cr.M.P.No.55/.D.O./2024 dated 25.09.2024 is sought to be quashed in the present Habeas Corpus Petition.



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2. The detenu is native of the State of Odisha. Though he can speak and understand Tamil language, he cannot read Tamil. More so, the detenu has studied up to 9th standard. However, the documents served on the detenu has not been translated in the language known to the detenu, which resulted in causing prejudice to the detenu to submit his representation in an effective manner, which is a valuable right conferred under the Act 14 of 1982.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in Cr.M.P.No.55/.D.O./2024 dated 25.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Sanjayakumar Samal S/o. Gobarthan Samal, aged 40 years, confined at Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

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

mrp

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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
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2. The District Collector and District Magistrate,
Coimbatore,
Coimbatore District.
- 3 The Superintendent of Police,
Coimbatore,
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- 5 The Inspector of Police,
PEW Periyanaickenpalayam,
Coimbatore District.
6. The Public Prosecutor,
High Court, Madras.

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