



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Criminal Original Jurisdiction

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

AND

The Hon`ble Ms.Justice R. POORNIMA

HCP(MD). No.442 of 2024

Ajith @ Ajithkumar @ Vingneshwaran

... Petitioner/ Detenue

Vs

- 1 The Principal Secretary to Government
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 ,
Ramanathapuram District.**
- 3 The Superintendent of Prison
Madurai Central Prison ,
Madurai District.**

... Respondents

Prayer :-

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying this Hon'ble court to issue a Writ of Habeas Corpus to call for the entire records connected with the detention order of the 2nd Respondent in S.R.No.05/S.O/2024 dt.19.03.2024 and Quash the same and direct the Respondents to produce the body or person of the detenu by name Ajith @ Ajithkumar @ Vingneshwaran S/o.Vetrivel @ Udaiyappan, aged about 26 years, now detained as Sexual Offender at Madurai Central Prison, before this court and set him at liberty forthwith.



ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Alagumani, Advocate for the Petitioner and of Mr.S.Ravi, Additional Public Prosecutor for the respondents, this Court made the following order:

We are constrained to allow HCP(MD) No.442 of 2024, in which the detenue had been categorized as sexual offender and detention order was passed detaining him under Section 2(ggg) of Act 14 of 1982 by an order dated 19.03.2024. The only ground taken on behalf of the petitioner to quash the detention order is that the initial remand order of the learned Magistrate dated 03.02.2024 was not translated into Tamil. A translated version is not furnished to the detenue.

2. We perused the order of the learned Magistrate and we find that it is a typed order. We find no credible reason for not furnishing translated version since in the representation specifically translated copy has been sought for by the detenue, but still it had not been furnished.

3. We hope we are wrong in our opinion that non furnishing of the translated copy is deliberate with an intention to ensure that the detention order is quashed on the same ground or other.

4. An explanation is sought to be filed by way of affidavit from the detaining authority i.e., the District Collector and District Magistrate, Ramanathapuram District/second respondent as to why the translated copy of the remand order was not furnished to the detenue despite a specific request was made in the



representation given by the detenue.

5. Along with this note, Registry may also enclose a copy of the remand order found at page no.33 of the book let.

6. For furnishing such explanation, list the case on 21.10.2024.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/10/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

Encl: Copy of the remand order at Page No.33
of the Booklet

TO

The District Collector and District Magistrate,
Ramanathapuram District.

Copy to:

1 The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Secretariat, Chennai-600 009.

2.The Registrar (Judl)
Madurai Bench of Madras High Court,
Madurai.



3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

(For follow up the report and posting the matter)

ORDER DATED : 25/09/2024

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ORDER

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HCP(MD). No.442 of 2024
Giving direction and etc.
as stated within.

MK/03.10.2024 4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023