



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Criminal Original Jurisdiction

**Monday, the Thirtieth 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.494 of 2024

Santhoshkumar

... Petitioner / Detenu

-Vs-

1 The Principal Secretary to Government, State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600009.

2 The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Madurai District.

3 The Superintendent of Prison
Madurai Central Prison, Madurai

... Respondents

Prayer in Habeas Corpus Petition(MD) No. . 494/ 2024 :

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying that to issue Writ of Habeas Corpus or any other Writ or Direction calling for the entire records, connected with the detention order of the Respondent No.2 in BCDFGISSV No.05/2024 dt 27.03.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Santhoshkumar S/o.Alagukaruppu age 22 yers now confining as Drug Offender at Madurai Central Prison before this Honorable ourt and set him at liberty forthwith.

ORDER:- This Habeas Corpus petition coming up for orders on this day, 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.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:

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We are constrained to allow H.C.P(MD)No.494 of 2024 file in which, the detenu, Santhoshkumar, son of Alagukaruppu, aged about 22 years, was remanded by the learned Judicial Magistrate, Vadipatty, Madurai District on 21.02.2024 in Crime No.67 of 2024. We confess, we are not able to understand even a single word which had been written by the concerned Judicial Magistrate. It is only natural that the respondents could not have even attempted to translate the same in Tamil. They would also not be in a position to understand on what ground the remand order was made. There are certain guidelines which had been provided before the initial remand is ordered, namely, to enquire whether the accused understood as to why he was arrested, whether the relatives of the accused had been informed about the arrest, whether there had been any injury suffered by the accused and more importantly, whether the accused has anything to state about the case.

2. The High Court has, under the aegis of the Government provided computers, laptops and every other facility to every Magistrate and Officer of the Judiciary and it could not have taken much effort for the learned Magistrate to have attempted to type out the remand order in his laptop available in his residence and provide a legible copy, so that, the respondents would be in a position to translate



the same. This could also be an indication that the Magistrate did not know how to pass a remand order and to cover up the same, had just scribbled a few words running half a page and termed it as a remand of the prisoner. It would also affect the fundamental right of the prisoner to understand why he was being sent to judicial custody.

3. The Registry is directed to call for explanation from the learned Judicial Magistrate, Vadipatty, who so functioned on 21.02.2024. Registry may direct the learned Chief Judicial Magistrate, Madurai, to determine who was actually the Magistrate who was functioning on 21.02.2024 and the name of the actual Officer who had passed the remand order on 21.02.2024 and ask the learned Judicial Magistrate concerned to type out his own remand order and indicate how long it took him to read his own order and an explanation as to why a legible copy was not written down by him in the first instance.

4. Explanation by the learned Judicial Magistrate to be forwarded by **22.10.2024**. A copy of Page No.103 may be enclosed along with this order by the Registry and forwarded to the Chief Judicial Magistrate, Madurai, for forwarding the same to the concerned Judicial Magistrate.



5. Registry should call for explanation to be submitted on or before

22.10.2024.

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Sd/-

Assistant Registrar(CO)

// True Copy //

/10/2024

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

ENCL: COPY OF PAGE NO.103
TO

The Judicial Magistrate,
Vadipatty.

Copy to:

1.The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

2. The Chief Judicial Magistrate,
Madurai.

3.TheSection Officer,
' B' Section,
Madurai Bench of Madras High Court,
Madurai
(For follow up the report the matter)

4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.
(For follow up the report the matter)



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ORDER DATED : 30/09/2024

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ORDER

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HCP(MD). No.494 of 2024
Giving direction and etc.
as stated within.

MK/07.10.2024 5P/6C

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