



H.C.P.(MD)No.1031 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.1031 of 2024

K.Velkani

... Petitioner / Mother of the Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, calling for the entire records connected with the detention order passed in M.H.S.Confdl No.33/2024 dated 28.05.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's son ie., Prabinkumar @ Pravin, aged



H.C.P.(MD)No.1031 of 2024

about 23 years, S/o.Kannan, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.T.Senthilkumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The petitioner's son was detained as “Goonda” vide order 28.05.2024 by the second respondent. It is seen that the accident register dated 30.04.2024 which is relied upon by the detaining authority has not been properly translated. Our attention is drawn to the order dated 24.07.2024 made in H.C.P.(MD)No.1633 of 2014 (Amutha Vs. State of Tamil Nadu). Paragraph No.4 of the said order reads as follows:-

“4.On a perusal of the Booklet, it is seen that the Accident Registers have been improperly translated. This furnishing of improper translated copy of the vital document would deprive the detenu of making effective representation to the authorities against the order of detention.”

The aforesaid decision squarely applies to the case on hand.



H.C.P.(MD)No.1031 of 2024

2.In this view of the matter, the impugned order is set aside. We hold that the detenu's detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 10.12.2024.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi.
- 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.1031 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

ias

H.C.P.(MD)No.1031 of 2024

09.12.2024