



H.C.P.(MD)No.1061 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM

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

H.C.P.(MD)No.1061 of 2024

M.Jakkammal

... Petitioner / Mother of the Detenu

Vs.

1.State of Tamil Nadu

**Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.**

2.The District Collector and District Magistrate,

**Thoothukudi District,
Thoothukudi.**

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, to call for the entire
records connected with the detention order passed in H.S.(M)Confdl.No.



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57 of 2024 dated 18.05.2024 on the file of the second 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., Sakthivel aged about 24 years S/o.Murugan, 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.Senthil Kumar
Additional Public Prosecutor.

ORDER

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

Heard both sides.

2. The petitioner's son was branded as “Goonda” and detained vide order dated 18.05.2024 by the second respondent. The learned counsel for the petitioner submits that the remand order which is a relied upon document was not translated and the Tamil version was not furnished to the detenu. This contention has been taken in the grounds.

3. The learned Additional Public Prosecutor does not dispute the said assertion. It is well settled that a relied upon document should be furnished to the detenu. If it is in English language that is not known to



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the detainee, translation must be made and translation copy must be given. In this case, this requirement was not complied with. As a result, the detainee was not able to make an effective representation. We are satisfied that there has been a breach of the fundamental right guaranteed under Article 22 of the Constitution of India. The impugned order is set aside. He shall be set at liberty forthwith unless his detention is otherwise warranted by law. The Habeas Corpus Petition is allowed.

(G.R.S. J.,) & (R.P. J.,)
26.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note : Issue order copy on 28.11.2024

To:-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison,
Central Prison,

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Palayamkottai,
Tirunelveli.

4. The Additional Superintendent of Prison,
District Jail,
Nagercoil,
Kanniyakumari District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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