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H.C.P.(MD)NO.1100 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.1100 of 2024

Muthusethupathi

... Petitioner / Detenu

Vs.

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.

2. The District Collector and District Magistrate,
O/o.the Collector and District Magistrate,
Theni District, Theni.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the second respondent in detention order No.25/2024 dated 28.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Muthusethupathi, S/o.Muthaiah, aged about 30 years, now confining as “GOONDA” at Madurai Central Prison before this Court and set him at liberty forthwith.



For Petitioner : Mr.Dr.R.Alagumani
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 was detained as GOONDA vide order dated 28.05.2024 by the second respondent. The detaining authority has relied on the Accident Register dated 04.01.2024 for passing the detention order. The Accident Register is in English. Even though the detenu requested that he should be furnished with the Tamil version, it was not complied with. Failure to supply the relied upon document in the language known to the detenu vitiates the detention order.

3. In this view of the matter, the order impugned in this Habeas Corpus petition is set aside. He shall be set at liberty forthwith unless his detention is otherwise warranted by law. This Habeas Corpus petition is allowed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)

2nd December 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

Note : Issue order copy on 04.12.2024.



To:

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State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai – 600 009.
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Madurai Central Prison,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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