



H.C.P.(MD)No.1186 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2024

CORAM

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

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J.Punitha

... Petitioner / Mother of the Detenu

Vs.

1.State of Tamilnadu 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, calling for the entire records connected with the detention order passed in H.S.(M)Confdl. No.74/2024 dated 06.06.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce detenu or body of detenu namely the petitioner's son i.e., Jeyanthkumar @ Jeyanth,



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S/o.Jeyakumar, 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,
Additional Public Prosecutor.

ORDER

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

The petitioner's son was detained as “Goonda” vide order dated 06.06.2024 by the second respondent. The remand order dated 02.05.2024 passed by the learned Judicial Magistrate No.II, Thoothukudi is a relied upon document. Copy of the same is enclosed at Page No.169 of the booklet. It is obvious that it is not legible. Clean copy has not been furnished to the detenu. The remand order is in English. Translated copy has not been furnished to the detenu. Because of these twin reasons, the detenu was not able to make an effective representation leading to breach of his fundamental right guaranteed under Article 22 of the Constitution of India.



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2.In this view of the matter, we hold that the detenu's continued 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.)
13.12.2024

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

Issue order copy on 16.12.2024.

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, Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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