



H.C.P.(MD)No.1269 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

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

H.C.P.(MD)No.1269 of 2024

Vadivel

... Petitioner / Detenu

Vs.

1.The Additional Chief Secretary to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tiruvarur District, Thanjavur.

3.The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli.

... 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 of the respondent No.2 in C.O.C.No.08/2024 dated 27.05.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Vadivel



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son of Thangarasu, aged about 46 years now detained as “Goonda” at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

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

ORDER

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

The petitioner was detained as “Goonda” vide order 28.05.2024 by the second respondent. It is seen that the remand order dated 30.04.2024 is the relied upon document. The remand order is in English. It has not been properly translated in the booklet which was given to the detenu. 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.



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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
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Issue order copy on 10.12.2024.

To:-

- 1.The Additional Chief Secretary to the Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tiruvarur District, Thanjavur.
- 3.The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
R.POORNIMA, J.

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