



H.C.P.(MD)No.1319 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2024

CORAM

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

H.C.P.(MD)No.1319 of 2024

Saravanan

... Petitioner / 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,
Tiruneveli District, Tirunelveli.

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

... 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.112/2024 dated 23.6.2024 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 Saravanan, aged 22 years,



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S/o.Muralikrishnan, now detained at the Central Prison, Madurai, 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.)

Heard both sides.

2.The petitioner was detained as “Gonnda” vide order dated 23.06.2024 passed by the second respondent. While supplying the booklet, the confession attributed to the petitioner was furnished in a truncated form. The petitioner wrote to the detaining authority seeking the full text of his confession so that he can make an effective representation. This request was made vide letter dated 15.10.2024. But this request was not complied with. It is well settled that the materials relied upon for passing the detention order will have to be furnished fully to the detenu. In this case, this statutory and constitutional requirement was not complied with.



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3. 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.

4. This habeas corpus petition is allowed accordingly.

**(G.R.S. J.) & (R.P. J.)
19.12.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 20.12.2024.

To:-

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



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and
R.POORNIMA, J.

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