

H.C.P(MD)No.92 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2025

CORAM:

**THE HONOURABLE Mr.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Mr.JUSTICE R.VIJAYAKUMAR**

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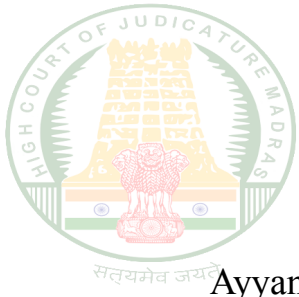
I @ Ayyanar

... Petitioner

Vs

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai- 600 009.
 2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dindigul District,
Dindigul.
 3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records connected with the detention order of the respondent No.2 in Detention Order No. 111/2024 dated 14.11.2024 and quash the same and direct the Respondents to produce the body or person of the detenu by name I @



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Ayyanar, Son of Karuthapandi, aged about 25 years, now confining at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor

ORDER

(Order of the Court was made by C.V.KARTHIKEYAN,J.)

The petitioner is the detenu viz., I @ Ayyanar, S/o.Karuthapandi, aged about 25 years. The detenu has been detained by the second respondent in Detention Order No.111 of 2024, dated 14.11.2024 holding him to be a 'Goonda', as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this habeas corpus petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. Though several points have been raised by the learned counsel for the petitioner, it is stated that the detention order is liable to be quashed on the ground that the remand order of the Judicial Magistrate-II, Dindigul have been written in free hand, which cannot be read. Hence, it is submitted that the detenu was deprived of making effective representation.

4. The learned Additional Public Prosecutor appearing for the respondents has opposed this Habeas Corpus Petition by filing counter.

5. On a perusal of the booklet, it is seen that when the accused was produced on remand before the learned Judicial Magistrate No.II, Dindigul on 12.10.2024, the learned Judicial Magistrate No.II, Dindigul had remanded the accused by writing down the order in free hand, which cannot be read and it is not known whether the typed version at page No.88 of the booklet is a proper translation of the remand order.



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6. We would therefore pass a direction that in future, the Detaining Authorities, may ensure that the Sponsoring Authorities place a request to the Court to type the remand orders, which are written in free hand and furnish the copies of the typed version to the Sponsoring Authorities. A general instruction in this regard may be issued.

7. In the result, the Habeas Corpus Petition is allowed. The detention order passed in Detention Order No.111 of 2024, dated 14.11.2024 by the 2nd respondent, is set aside. Consequently, the detenu viz., I @ Ayyanar, S/o.Karuthapandi, aged about 25 years, is directed to be released forthwith, unless his presence or custody or detention is required in connection with any other case.

(C.V.K., J.) (R.V., J.)
06.10.2025

Index : Yes / No
NCC : Yes / No
Internet : Yes
vsm

Note: Mark a copy of this order to
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.



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To

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



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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

vsm

ORDER MADE IN
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06.10.2025