

H.C.P.(MD)No.1062 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM

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

H.C.P.(MD)No.1062 of 2024

Madathi

... Petitioner / sister of the Detenue

Vs.

1.State of Tamil Nadu

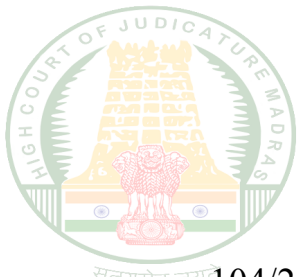
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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, to call for the entire
records connected with the detention order passed in H.S.(M)Confdl.No.



H.C.P.(MD)No.1062 of 2024

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104/2024, dated 16.07.2024 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenue or body of the detenu namely the petitioner's brother ie., Chinnadurai aged about 45 years S/o.Karuppasamy, now detained at Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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's brother was detained as Goonda vide order dated 16.07.2024 by the second respondent. The remand extension order dated 08.07.2024 passed by the District Munsif cum Judicial Magistrate, Ottapidaram is a relied upon document. The translated copy of the said document was not furnished to the detenue. Thus, there is a breach of the detenue's fundamental right guaranteed under Article 22 of the Constitution of India.



H.C.P.(MD)No.1062 of 2024

WEB COPY

3. In this case, there has been such a breach. On the sole ground, the impugned order is set aside. Continuance of the detention becomes illegal. The detenue shall be set at liberty forthwith unless his detention is otherwise warranted by law. The Habeas Corpus Petition is allowed.

(G.R.S. J.,) & (R.P. J.,)
28.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 29.01.2025.

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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H.C.P.(MD)No.1062 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

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