



H.C.P.(MD)No.1280 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM

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

H.C.P.(MD)No.1280 of 2024

Mohanaruban

... Petitioner / Brother of the Detenue

Vs.

State of Tamil Nadu rep. by

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

3.The Superintendent of Prison,
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 records pertaining to the impugned detention order passed by the second respondent made in his proceedings in C.No.



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76/Detention/C.P.O/T.C./2024, dated 05.07.2024 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as Goonda and quash the same and direct the respondents to produce the detenu namely Karthick S/o.Ramesh, Male aged about 31 years who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

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 05.07.2024 by the second respondent. The ground “L” taken in the affidavit filed in support of this petition is as follows:-

“L.The detaining authority relied and referred the documents in the booklet Volume-I Page No.8, & Volume-I page No.43 to 46, 102 to 109, 142, 143. However, the Tamil translation versions have not been provided to the detenu. Both the petitioner and the detenu are not proficient in the English language. Hence, the petitioner submitted a representation requesting clear copies of the mentioned pages translated into Tamil, but as of now, the respondents have not complied with this request. Therefore, the order of detention is liable to be set aside.”



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3. It is not in dispute that Tamil version of the accident register was not furnished to the detainee. It is a relied upon document. In spite of request, the document was not supplied to him, we are satisfied that the detainee's fundamental right guaranteed under Article 22 of the Constitution of India has been breached. Continuance of the detention becomes illegal. The detainee shall be set at liberty forthwith unless his detention is otherwise warranted by law. The impugned order is set aside. The Habeas Corpus Petition is allowed.

(G.R.S. J.,) & (R.P. J.,)
06.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note: Issue Order Copy on 07.01.2025.

To:-

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

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3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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