



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.1298 of 2024

A.Amalarani

... Petitioner/ Cousin of the Detenu

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.
4. The Superintendent,
District Jail, Perurani,
Thoothukudi District.

... Respondents

Prayer: Habeas Corpus petition is 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 passed in H.S.(M)Confdl.No.102/2024 dated 10.07.2024 on the file of the 2nd



respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely the petitioner's cousin i.e., Bright, aged about 19 years, S/o.Innasi Muthu, now detained at the District Jail, Perurani, Thoothukudi District, 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 cousin brother was detained as Drug Offender” vide order dated 10.07.2024 by the second respondent. The learned counsel for the petitioner points out that the translated copies of the remand extension orders dated 19.06.2024 and 03.07.2024 were not furnished to the detenu. It is not in dispute that those orders are relied upon documents.



3. It is well settled that the relied upon document should be furnished to the detenu in a language intelligible to him. Since Tamil translation version was not furnished to the detenu, the right of the detenu to make effective representation has been breached in this case. In this view of the matter, the impugned order is quashed. This Habeas Corpus petition is allowed.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
23rd January 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

Note : Issue order copy on 24.01.2025.

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 Superintendent,
District Jail, Perurani, Thoothukudi District.



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R. POORNIMA, J.

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