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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.07.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.NO.148 OF 2021

S.Kousalya

..Petitioner

Vs.

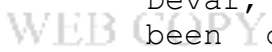
1. State of Tamil Nadu represented by
The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,Chennai - 600 009.
2. The Commissioner of Police/
Detaining Authority,
City Police Office,
Tiruppur City,Tiruppur - 641 603.
3. The Superintendent of Prison,
Central Prison,
Coimbatore, Coimbatore District.
4. The Inspector of Police
Tiruppur Central Police Station,
Tiruppur District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the order of detention passed in C.No.01/D.O./IS/2021 dated 12.01.2021 passed by the second respondent and set aside the same and direct the respondents to produce the petitioner's father Selvam, son of Seenisamy Devar, aged about 45 years, who is presently detained in Central Prison, Coimbatore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.N.Arun Kumar

For Respondents : Mr.R.Muniyapparaj,
Govt.Advocate
(Crl.Side)



[Order of the Court was made by P.N.PRAKASH, J.]

2. We have heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI.Side) appearing for the respondents and we have also perused the records carefully.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.133 to 135 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.01/D.O./IS/2021 dated 12.01.2021, passed by the second respondent is set aside. The detenu, viz., Selvam, son of Seenisamy Devar, aged about 45 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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nsd



To

1. The Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police/
Detaining Authority,
City Police Office,
Tiruppur City, Tiruppur - 641 603.
3. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
4. The Inspector of Police
Tiruppur Central Police Station,
Tiruppur District.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.148 of 2021

GMI (CO)
RGA (23/07/2021)