



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.175 of 2021

Velmurugan

.. Petitioner/Brother of the detenue

Vs.

1. State of Tamil Nadu represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery,
Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison-Puzhal-II,
Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
T-7, Tank Factory Police Station,
Chennai.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records from the 2nd respondent in connection with the order in Memo No.02/BCDFGISSSV/2021 dated 05.01.2021 and quash the same and produce the petitioner's brother Ranjith, aged about 33 years, son of Bose Devan, now confined in Central Prison, Puzhal-II, Chennai, before this Court and set him at liberty forthwith.



WEB COPY

For Petitioner : Mr.A.Elumalai

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

ORDER

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

The petitioner is the brother of the detenu Ranjith, aged about 33 years, son of Bose Devan. The detenu has been detained by the second respondent by his order in Memo No.02/BCDFGISSSV/2021 dated 05.01.2021, 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 Government Advocate (Crl.Side) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the arrest intimation has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.240 to 242 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 Memo No.02/BCDFGISSSV/2021 dated 05.01.2021, passed by the second respondent is set aside. The detenu, viz., Ranjith, aged about 33 years, son of Bose Devan,



is directed to be released forthwith unless his detention is required in connection with any other case.

WEB COPY

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery,
Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison-Puzhal-II,
Puzhal,
Chennai - 600 066.
4. The Inspector of Police,
T-7, Tank Factory Police Station,
Chennai.
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.175 of 2021

LN(CO)
SU(27/07/2021)