



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.190 of 2021

Varalakshmi

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai-9

2.The District Collector and District Magistrate
Ranipet District, Ranipet

3.The Superintendent (Central Prison)
Vellore District, Vellore

4.The Superintendent of Police
Ranipet District

5.The State rep. by its
Inspector of Police
Arakkonam Town Police Station
Arakkonam Taluk, Ranipet District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in No.B3/D.O.No.114/2020 dated 13.11.2020 on the file of the 2nd respondent and quash the same as illegal and thereby direct the respondents to produce the detenu viz., DMR @ Deelip, aged 24 years, S/o.Munusamy, before this Hon'ble Court, who is now detained in Central Prison, Vellore and set him at liberty.

For Petitioner : Mr.M.Rajinikanth

For Respondents : Mr.R.Muniyapparaj

Government Advocate (Crl. Side)



O R D E R

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

The petitioner is the mother of the detenu viz., DMR @ Deelip, aged 24 years, S/o.Munusamy. The detenu has been detained by the 2nd respondent by his order dated 13.11.2020 in No.B3/D.O.No.114/2020, 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. This deprived the detenu from making effective representation. Therefore, on this sole ground, 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.74 and 75 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 No.B3/D.O.No.114/2020, dated 13.11.2020, passed by the 2nd respondent is set aside. The detenu viz., DMR @ Deelip, aged 24 years, S/o.Munusamy, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gya

To

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai-9



2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The District Collector and District Magistrate
Ranipet District, Ranipet

4.The Superintendent (Central Prison)
Vellore District, Vellore

5.The Superintendent of Police
Ranipet District

6.The Inspector of Police
Arakkonam Town Police Station
Arakkonam Taluk, Ranipet District

7.The Public Prosecutor
High Court, Madras
23.07.2021

H.C.P.No.190 of 2021

NK(CO)
B.VC(26.07.2021)