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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

Coram

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

H.C.P.No.259 of 2021

Vinitha .. Petitioner/Wife of the detenuue
Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai - 600 066.
4. The Inspector of Police,
Law and Order,
T-2, Ambattur Estate 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 records from the 2nd respondent in connection with the detention order in Memo No.14/BCDFGISSSV/2021 dated 20.01.2021 and quash the same and produce the petitioner's husband Nareshbabu, aged about 22 years, son of Sridhar, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.Gajendran
for Mr.K.Kannan
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 wife of the detenu Nareshbabu, aged about 22 years, son of Sridhar. The detenu has been detained by the second respondent by his order in Memo No.14/BCDFGISSSV/2021 dated 20.01.2021, 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. The learned Government Advocate (Crl.Side) strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.90 and 91 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.14/BCDFGISSSV/2021 dated 20.01.2021, passed by the second respondent is set aside. The detenu, viz., Nareshbabu, aged about 22 years, son of Sridhar, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

nsd



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai - 600 066.
4. The Inspector of Police,
Law and Order,
T-2, Ambattur Estate 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.259 of 2021

LN(CO)
RLP(29/07/2021)