

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.07.2021

CORAM

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

H.C.P.No.337 of 2021

Dharani ... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Prohibition and Excise Department (Home)
Fort St. George, Chennai-9

2.The Commissioner of Police
Greater Chennai City Police
Vepery, Chennai-7

3.The Inspector of Police
T-1 Ambattur Police Station
Chennai

4.The Superintendent of Prison
Central Prison-II
Puzhal, Chennai

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the respondents to call for the records relating to the impugned order in respect of BCDFGISSSV No.461/2020, dated 11.11.2020 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the detenu Manikandan @ Olai Mani, aged about 28 years, S/o.Baskar, now confined in Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.M.Prabaharan

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 wife of the detenu viz., Manikandan @ Olai Mani, aged about 28 years, S/o.Baskar. The detenu has been detained by the 2nd respondent by his order dated 11.11.2020 in BCDFGISSSV No.461/2020, 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 and we have also perused the records carefully.

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.291 to 293 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 BCDFGISSSV No.461/2020, dated 11.11.2020, passed by the 2nd respondent is set aside. The detenu viz., Manikandan @ Olai Mani, aged about 28 years, S/o.Baskar, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Prohibition and Excise Department (Home)
Fort St. George, Chennai-9.
- 2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9.
- 3.The Commissioner of Police
Greater Chennai City Police
Vepery, Chennai-7.
- 4.The Inspector of Police
T-1 Ambattur Police Station
Chennai.
- 5.The Superintendent of Prison
Central Prison-II
Puzhal, Chennai.
- 6.The Public Prosecutor
High Court, Madras.

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gmr[co]
srg 07/07/2021



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