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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.358 of 2021

Rajakumari

.. Petitioner

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 in connection with the order of detention passed by the 2nd respondent dated 20.01.2021 in No.13/BCDFGISSSV/2021 against the petitioner's nephew viz., Vidiyal, aged about 25 years, son of Sakthivel, who is confined at Central Prison, Puzhal, Chennai and to set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty forthwith.



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For Petitioner : 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 aunty of the detenu Vidiyal, aged about 25 years, son of Sakthivel. The detenu has been detained by the second respondent by his order in Memo No.13/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 fully 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.91 & 92 of the booklet, it is clear that the arrest intimation has not been fully 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.13/BCDFGISSSV/2021 dated 20.01.2021, passed by the second respondent is set aside. The



detenu, viz., Vidiyal, aged about 25 years, son of Sakthivel, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar (CS)

// 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 Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.358 of 2021

RR(CO)
SU(11/08/2021)