



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

H.C.P.No.547 of 2021

Eswari
D/o.Ramasamy Nadar

.. Petitioner

Vs.

1.The Government of Tamil Nadu
represented by its
Secretary, Police (L&O-F) Department,
Fort St.George,
Chennai - 600009.

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

3.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District, Erode.

4.The Superintendent of Central Prison,
Central Prison, Coimbatore,
Coimbatore District.

5.The Inspector of Police,
Kodumudi Police Station,
Erode District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records relating to the detention order passed by the second respondent in Cr.M.P.No.28/Goonda/2020/C1 dated 03.11.2020 and quash the same and direct the respondents herein to produce the body the petitioner's brother Karuppanan S/o.Ramasamy Nadar, aged about 38 years, the detenu, now confined at Central Prison, Coimbatore, before this Court.

For Petitioner : Mr.S.Sivakumar

For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]



ORDER

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

The petitioner is the sister of the detenu viz., Karuppanan S/o.Ramasamy Nadar, aged about 38 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.28/Goonda/2020/C1 dated 03.11.2020, 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 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 pertaining to the ground case 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 No.55 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 Cr.M.P.No.28/Goonda/2020/C1 dated 03.11.2020 passed by the second respondent is set aside. The detenu, viz., Karuppanan S/o.Ramasamy Nadar, aged about 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gm



To

1.The Secretary, Police (L&O-F) Department,
Fort St.George,
Chennai - 600009.

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

3.The Superintendent of Police,
Office of the Superintendent of Police,
Erode District,
Erode.

4.The Superintendent of Central Prison,
Central Prison, Coimbatore,
Coimbatore District.

5.The Inspector of Police,
Kodumudi Police Station,
Erode District.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.547 of 2021

GMR(CO)
GN(19/07/2021)