



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

Coram

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

H.C.P.No.649 of 2021

Vahitha Begam

...Petitioner

Vs.

1. State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-9.
2. The District Magistrate and District Collector,
Ariyalur District.
3. The Superintendent of Police,
Ariyalur District.
4. The Superintendent,
Central Prison,
Tiruchirapalli.
5. The Inspector of Police,
Meensurutti Police Station,
Ariyalur District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus seeking for a direction to produce the body of the detenu by name Pagrudheen, S/o.Pazheer, aged about 21 years, presently confined at Central Prison, Tiruchirapalli, before this Court and set him at liberty forthwith, after caling for the records pertaining to the detention order dated 07.02.2021 in Cr.M.P.No.05/2021 passed by the 2nd respondent, quash the same.

For Petitioner : Mr.R.Prabakar

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 mother of the detenu Pagrudheen, S/o.Pazheer, aged about 21 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.05/2021 dated 07.02.2021, 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 No.54 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 Cr.M.P.No.05/2021 dated 07.02.2021, passed by the second respondent is set aside. The detenu, viz., Pagrudheen, S/o.Pazheer, aged about 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-9.
 2. The District Magistrate and District Collector,
Ariyalur District.
 3. The Superintendent of Police,
Ariyalur District.
 4. The Superintendent,
Central Prison,
Tiruchirapalli.
 5. The Inspector of Police,
Meensurutti Police Station,
Ariyalur 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.
- +1 CC to M/s.Prabakar, Advocate, Sr 43784.

H.C.P.No.649 of 2021

AJS(CO)
LS(06/09/2021)