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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.661 OF 2021

T.Prakash
S/o.Thangaraj

... Petitioner/Detenuue

.Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Detaining Authority,
Coimbatore City,
Coimbatore District.
3. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
4. State represented by its
The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore District.

... Respondents

PRAYER:-

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 petitioner detention under Tamil Nadu Act 14 of 1982 vide detention order dated 07.01.2021 on the file of the second respondent herein made in proceedings Memo C.No.01/G/IS/2021, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner, viz., T.Prakash S/o.Thangaraj, aged 28 years, before this Court and set him at liberty from detention, who is now detained at Central Prison, Coimbatore.



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For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner, who is the detenu viz., T.Prakash S/o.Thangaraj, aged 28 years, has been detained by the second respondent by his order in C.No.01/G/IS/2021 dated 07.01.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act, 14/1982. 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 Additional Public Prosecutor 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. 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.113 and 114 of the booklet, it is clear that the remand order pertaining to the ground case 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 C.No.01/G/IS/2021 dated 07.01.2021 passed by the second respondent is set aside. The detenu, viz., T.Prakash S/o.Thangaraj, aged 28 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



gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Detaining Authority,
Coimbatore City, Coimbatore District.
3. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
4. The Inspector of Police,
E-2 Peelamedu Police Station,
Coimbatore District.
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.661 OF 2021

SV-I (CO)
PBS/24/09/2021