



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.801 of 2021

Jeba Malar

Petitioner/Wife
of the detenu

Vs.

1 State of Tamil Nadu
rep. by the Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009

2 The Commissioner of Police
Greater Chennai City
Vepery, Chennai 600 007

3 The Superintendent of Prison
Central Prison
Puzhal, Chennai 600 066

4 The Inspector of Police
S-7, Madipakkam Police Station
Chennai

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS calling for the records relating to the detention order in Memo No. BCDFGISSSV No.104/2021 dated 09.04.2021 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Isaac, S/o Duraipandi, aged about 31 years, the detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For petitioner Mr. K. Bommuraj

For respondents Mr.R.Muniyapparaj
Additional Public Prosecutor



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., Isaac, S/o Duraipandi, aged about 31 years. The detenu has been detained by the 2nd respondent by his order dated 09.04.2021 in BCDFGISSSV No.104/2021, 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 Additional Public Prosecutor 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 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. The learned Additional Public Prosecutor filed his counter affidavit and strongly opposed the Habeas Corpus Petition.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.245 and 247 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.104/2021, dated 09.04.2021, passed by the 2nd respondent is set aside. The detenu viz., Isaac, S/o Duraipandi, aged about 31 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai 600 009
- 3 The Commissioner of Police
Greater Chennai City
Vepery, Chennai 600 007
- 4 The Superintendent of Prison
Central Prison
Puzhal, Chennai 600 066
- 5 The Inspector of Police
S-7, Madipakkam Police Station
Chennai
- 6 The Public Prosecutor
High Court, Madras

H.C.P.No.801 of 2021

GJ(CO)
CB(16/11/2021)