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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.NO.844 OF 2021

Moorthy

.. Petitioner/
Father of he Detenue

Vs.

1. State of Tamil Nadu represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
2. The Office of the District Magistrate
and District Collector,
Thiruvallur District, Thiruvallur.
3. The Superintendent of Police,
Central Prison, Puzhal - II,
Puzhal, Chennai.
4. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
5. The Inspector of Police,
E-3, Ponneri Police Station,
Thiruvallur District.

.. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS calling for the records in Memo No.59/BCDFGISSSV/2021 passed by the 2nd respondent on 29.04.2021, on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondent to produce the petitioner's son Karthick @ Kaikarthick, son of Moorthy, aged about 28 years, before this Hon'ble Court, who now



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detained in Central Prison, Puzhal - II, and set him liberty.

For Petitioner : Mr.A.Elumalai

For Respondents : Mr.R.Muniyappraj
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.HEMALATHA, J.]

The petitioner is the father of the detenu Karthick @ Kaikarthick, S/o.Moorthy, aged about 28 years. The detenu has been detained by the second respondent by his order in Memo No.59/BCDFGISSSV/2021, dated 29.04.2021, holding him to be a "GOONDA", as contemplated under Section (1) 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 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.36 of the booklet, it is clear that the arrest intimation has not been 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.59/BCDFGISSSV/2021, dated 29.04.2021, passed by the second respondent is set aside. The



detenu, viz., Karthick @ Kaikarthick, S/o.Moorthy, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mtl

To

1. The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
2. The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9.
3. The Office of the District Magistrate
and District Collector,
Thiruvallur District, Thiruvallur.
4. The Superintendent of Police,
Central Prison, Puzhal - II,
Puzhal, Chennai.
5. The Superintendent of Police,
Thiruvallur District, Thiruvallur.
6. The Inspector of Police,
E-3, Ponneri Police Station,
Thiruvallur District.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.844 of 2021

MG (CO)
PM/14/12/2021