



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

Coram

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

H.C.P.No.876 of 2021

S.Balaraman

.. Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

3.The Inspector of Police,
Central Crime Branch - II,
Vepery, Chennai - 7.

4.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the entire records in connection with the order of detention passed by the second respondent 31.03.2021 in Memo No.97/BCDFGISSSV/2021 against the petitioner Karthik @ Karthikeyan, son of Gajendra Rao, aged about 47 years, who is confined at the Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.M.J.Nissar Ahmed

For Respondents : Mr.R.Muniyapparaj,
Additional Public
Prosecutor



ORDER

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

The petitioner is the friend of the detenu Karthik @ Karthikeyan, son of Gajendra Rao, aged about 47 years. The detenu has been detained by the second respondent by his order in Memo No.97/BCDFGISSSV/2021 dated 31.03.2021, 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. 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 Nos.131 and 133 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 Memo No.97/BCDFGISSSV/2021 dated 31.03.2021, passed by the second respondent is set aside. The detenu, viz., Karthik @ Karthikeyan, son of Gajendra Rao, aged about 47 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Nsd



To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

3.The Inspector of Police,
Central Crime Branch - II,
Vepery,
Chennai - 7.

4.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.

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

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.G.Nithieshwaran, Advocate, S.R.No.53813

H.C.P.No.876 of 2021

RCD(CO)
GN(01/11/2021)