



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.No.988 of 2021

Gopika
W/o.Anandan

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thiruvannamalai District.
- 3.The Superintendent of Police,
Thiruvannamalai District.
- 4.The Superintendent of Prison,
Central Prison,
Vellore.
- 5.The Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
Crime No.423 of 2021

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in D.O.No.36/2021-C2 dated 15.06.2021 on the file of the second respondent and quash the same and direct the respondents herein to produce the petitioner's husband Anandan s/o.Rajamani, aged 33 years, who is now detained at Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.S.Silambu Selvan
For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor



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

The petitioner is the wife of the detenu viz., Anandan s/o.Rajamani, aged 33 years. The detenu has been detained by the second respondent by his order in D.O.No.36/2021-C2 dated 15.06.2021, holding him to be a "Bootlegger", as contemplated under Section 2(b) of the 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 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.9 and 10 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 D.O.No.36/2021-C2 dated 15.06.2021 passed by the second respondent is set aside. The detenu, viz., Anandan s/o.Rajamani, aged 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

gm
To

1.The Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.



2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thiruvannamalai District.

3.The Superintendent of Police,
Thiruvannamalai District.

4.The Superintendent of Prison,
Central Prison,
Vellore.

5.The Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai 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.

H.C.P.No.988 of 2021

RSV(CO)
CB(18/11/2021)