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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

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

H.C.P.NO.1080 OF 2021

Shanthi

... Petitioner

.Vs.

1. The State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Salem City, Salem District.
3. The Superintendent of Prison,
Central Prison, Salem,
Salem District.
4. The Inspector of Police,
Karuppur Police Station,
Salem District.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order in C.M.P.No.36/Bootlegger/Salem City/2021 dated 16.06.2021 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Sakthivel, S/o.Annamalai, aged about 40 years, the detenu, now confined the Central Prison, Salem, before this Court and set the petitioner's husband Sakthivel, S/o.Annamalai, aged about 40 years, the detenu herein, at liberty.



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For Petitioner : Ms.S.Sengodi

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the wife of the detenu Sakthivel, S/o.Annamalai, aged about 40 years. The detenu has been detained by the second respondent by his order in C.M.P.No.36/Bootlegger/Salem City/2021 dated 16.06.2021, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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.7 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 C.M.P.No.36/Bootlegger/Salem City/2021 dated 16.06.2021, passed by the second respondent is set aside. The detenu, viz., Sakthivel, S/o.Annamalai, aged about 40 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(CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Office of Commissioner of Police,
Salem City,
Salem District.
3. The Superintendent of Prison,
Central Prison, Salem,
Salem District.
4. The Inspector of Police,
Karuppur Police Station,
Salem 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.1080 OF 2021

RP(CO)
PBS/30/11/2021