

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.NO.2109 OF 2020

Anjali
W/o.Chakravarthi

.. Petitioner

Vs.

1. State of Tamil Nadu represented by,
The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George, Chennai-600 009.
2. The District Collector and District Magistrate,
Ariyalur District, Ariyalur,
3. The District Superintendent of Police,
Ariyalur District,
Ariyalur.
4. The Superintendent of Prison,
Central Prison,
Tiruchirapalli.
5. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent in Cr.M.P.No.64/2020 dated 20.07.2020 against the petitioner's son, the detenu Kaliamoorthy, Male, aged about 36 years, S/o. Chakkaravarthy, now confined in Central Prison, Tiruchirapalli and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM.]

The petitioner is the mother of the detenu, Kaliamoorthy, Male, aged about 36 years, S/o. Chakkaravarthy. The detenu has been detained by the second respondent by its order dated 20.07.2020 in Cr.M.P.No.64/2020, 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 and we have also perused the records carefully.

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 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.60 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.64/2020 dated 20.07.2020, passed by the second respondent is set aside. The detenu, viz., Kaliamoorthy, Male, aged about 36 years, S/o. Chakkaravarthy, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsd/vsn

To

1. The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.
2. The District Collector and District Magistrate,
Ariyalur District,
Ariyalur,
3. The District Superintendent of Police,
Ariyalur District,
Ariyalur.
4. The Superintendent of Prison,
Central Prison,
Tiruchirapalli.
5. The Inspector of Police,
Andimadam Police Station,
Ariyalur 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.2109 of 2020

GP(CO)
CS/24/03/2021

सत्यमेव जयते

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