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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.4 OF 2022

Dhanu
S/o.Muthuraman

... Petitioner/Friend
of Detenue

.Vs.

1. The State of Tamil Nadu,
Rep. by its 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,
C-4 Rajiv Gandhi Government
General Hospital,
Police Station,
Chennai.
4. The Superintendent,
Central Prison, Puzhal,
Chennai.

... Respondents

PRAYER:-

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records, relating to petitioner's friend detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 10.05.2021 on the file of the second respondent herein made in proceedings in No.125/BCDFGISSSV/2021 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's friend namely Zahir Hussain s/o.Haji Bai, aged 47 years, before this Court and set the



petitioner's friend at liberty from detention, now petitioner's friend detained at Central Prison, Puzhal, Chennai- 600 066.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.M.Babu Muthu Meeran
Additional Public Prosecutor

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ORDER

[Order of the Court was made by A.A.NAKKIRAN, J]

The petitioner is the friend of the detenu viz., Zahir Hussain s/o.Haji Bai, aged 47 years. The detenu has been detained by the second respondent by his order in No.125/BCDFGISSSV/2021 dated 10.05.2021, holding him to be a "Goonda", as contemplated under Section 2(f) 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 remand extension order pertaining to the ground case has not been properly 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.179 and 180 of the booklet, it is clear that the remand extension order pertaining to the ground case 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 No.125/BCDFGISSSV/2021 dated 10.05.2021 passed by the second respondent is set aside. The detenu, viz.,



Zahir Hussain s/o.Haji Bai, aged 47 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(CS III)

//True Copy//

Sub Assistant Registrar

gm

To

1. The 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,
C-4 Rajiv Gandhi Government
General Hospital,
Police Station,
Chennai.
4. The Superintendent,
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.

H.C.P.NO.4 OF 2022

KV(CO)
PBS/01/03/2022