



H.C.P.No.11 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

Coram

The Honourable Mr. Justice **S.VAIDYANATHAN**  
and  
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P.No.11 of 2022

Jerald

.. 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,  
Chennai District.

3.The Inspector of Police,  
M-5, Ennore Police Station,  
Chennai.

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

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in Connection with the order of detention passed by the 2nd respondent dated 23.11.2021 in No.348/BCDFGISSSV/2021 against the petitioner's son Clinton Christopher @ Kili, S/o. Jerald, aged 23 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.

For Petitioner : Mr.M.Mohamed Riyas

For Respondents : Mr.M.Babu Muthumeeran  
Addl. Public Prosecutor

### **ORDER**

**S.VAIDYANATHAN, J.**

and

**A.D.JAGADISH CHANDIRA, J.**

The petitioner is the father of the detenu Clinton Christopher @ Kili, S/o. Jerald, aged 23 years. The detenu has been detained by the second respondent by his order in No.348/BCDFGISSSV/2021 dated 23.11.2021, 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.



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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 the remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, 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.105 and 106 of the booklet, it is clear that the remand order 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.348/BCDFGISSSV/2021 dated 23.11.2021,



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passed by the second respondent is set aside. The detenu, viz., Clinton Christopher @ Kili, S/o. Jerald, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

**(S.V.N., J.) (A.D.J.C., J.)**  
**11.07.2022**

Index: Yes/No  
nsd



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To

- 1.The Additional Chief Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai – 600 009.
- 2.The Commissioner of Police,  
Greater Chennai,  
Chennai District.
- 3.The Inspector of Police,  
M-5, Ennore Police Station,  
Chennai.
- 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.



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**S.VAIDYANATHAN, J.**  
and  
**A.D.JAGADISH CHANDIRA, J.**

nsd

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