



WEB COPY



HCP No.180 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2022

Coram

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

H.C.P. No.180 of 2022

R.Loganayagi

.. Petitioner

Vs.

1. The Home Secretary,
Home Department,
Secretariat,
Fort St. George, Chennai – 600 009.
2. The District Collector,
Collector office,
Singara Velar Malligai,
Parrys, Chennai – 600 001.
3. The Commissioner of Police,
Commissioner Office,
Vepary, Chennai – 600 007.
4. The Superintendent of Police,
Central Prison, Trichy.
5. The Inspector of Police,
N-2, Kasimedu Police Station
Royapuram, Chennai – 600 013.

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 relating to the detention order No.346/BCDFGISSSV/2021, dated 18.11.2021, passed by the third respondent under the respondent to produce the petitioner's son R.Vimalkumar @ Vimal S/o. Ravi aged about 22 years, the detenu, now confined in Central Prison, Trichy before this Court and set aside the peititioner's son R.Vimalkumar @ Vimal S/o. Ravi aged about 22 years the detenu herein at liberty.

For Petitioner	:	Mr. R.Lakshmikanth
For Respondents	:	Mr.M.Babu Muthumeeran Addl. Public Prosecutor

ORDER

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

The petitioner is the son of R.Vimalkumar @ Vimal, aged 22 years, S/o.Ravi who is the detenu. The detenu has been detained by the second respondent by his order in No.346/BCDFGISSSV/2021, dated 18.11.2021, 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.182 & 183 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.



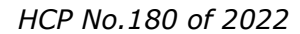
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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.346/BCDFGISSSV/2021, dated 18.11.2021, passed by the second respondent is set aside. The detenu, namely, R.Vimalkumar @ Vimal, aged 22 years, S/o.Ravi, is directed to be released forthwith unless his detention is required in connection with any other case.

(S.V.N.,J.) (A.D.J.C.,J.)
04.07.2022

Index: Yes/No
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Note to Office: Issue order copy forthwith.



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6. The Public Prosecutor,
High Court, Madras.



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