



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

Coram

The Honourable Mr. Justice PARESH UPADHYAY
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA
H.C.P.No.51 of 2022

Kumaran .. Petitioner/Brother in law of Detenue
Vs.

1.State of Tamil Nadu represented by
The Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai.

3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.

4.The Inspector of Police,
M5 Ennore Police Station,
(Law and Order),
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order in Memo No.377/BCDFGISSSV/2021 dated 08.12.2021 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's uncle Abdul Karim @ Karim, S/o.Mohammed Yusuf, aged about 23 years, the detenu, now confined in Central Prison, Puzhal, Chennai, before this Court and set the petitioner's uncle Abdul Karim @ Karim, S/o.Mohammed Yusuf, aged about 23 years, the detenu herein at liberty.

For Petitioner : Mr.M.Kaveriselvam

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



ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the brother-in-law of the detenu Abdul Karim @ Karim, S/o.Mohammed Yusuf, aged about 23 years. The detenu has been detained by the second respondent by his order in Memo No.377/BCDFGISSSV/2021 dated 08.12.2021, 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.

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 on the ground that the remand order has not been properly 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 Nos.269 and 270 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 Memo No.377/BCDFGISSSV/2021 dated 08.12.2021, passed by the second respondent is set aside. The detenu, viz., Abdul Karim @ Karim, S/o.Mohammed Yusuf, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd/33



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai.

2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.

4. The Inspector of Police,
M5 Ennore Police Station,
(Law and Order), 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.51 of 2022

AK-II(CO)
SB(08/07/2022)