



WEB COPY



H.C.P.No.50 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.50 of 2022

Soundarya

.. Petitioner

Vs

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

.. Respondents



H.C.P.No.50 of 2022

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records of 2nd respondent in connection with order made in proceedings No. C3/D.No.89/2021 dated 12.11.2021 passed against the petitioner's husband Ravivarma, aged 30 years, son of Ramesh, who is now confined at the Central Prison, Vellore and quash the same and direct the respondents to produce the detenu before this court and set him at liberty.

For Petitioner : Mr.S.Thirugnanam

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

ORDER

S.VAIDYANATHAN, J.

and

A.D.JAGADISH CHANDIRA, J.

The petitioner is the wife of the detenu Ravivarma, aged 30 years, son of Ramesh. The detenu has been detained by the second respondent by his order in C3/D.No.89/2021 dated 12.11.2021, 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.



H.C.P.No.50 of 2022

WEB COPY

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 arrest intimation 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.12 and 13 of the booklet, it is clear that the arrest intimation 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 C3/D.No.89/2021 dated 12.11.2021, passed by



H.C.P.No.50 of 2022

the second respondent is set aside. The detenu, viz., Ravivarma, aged 30 years, son of Ramesh, 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



H.C.P.No.50 of 2022

WEB COPY

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Vellore District, Vellore.
- 3.The Superintendent of Police,
Vellore District, Vellore.
- 4.The Superintendent of Prison,
Central Prison,
Vellore.
- 5.The Inspector of Police,
Vellore North Police Station,
Vellore 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.



WEB COPY



H.C.P.No.50 of 2022

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

nsd

H.C.P.No.50 of 2022

11.07.2022