

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.84 of 2022

T.Pavithra

.. Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by the Secretary to the Government,
Prohibition & Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 066.
4. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to Memo No.401/BCDFGISSSV/2021 dated 31.12.2021 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the petitioner's husband Tamilarasan @ Vellai Son of Raja, aged 24 years, now confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr. C.K.M.Appaji

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

ORDER

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

The petitioner is the husband of Tamilarasan @ Vellai aged 24 years, Son on Raja, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.401/BCDFGISSSV/2021, dated 31.12.2021, 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 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.170 & 171 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.401/BCDFGISSSV/2021, dated 31.12.2021, passed by the second respondent is set aside. The detenu, namely, Tamilarasan @ Vellai aged 24 years, Son on Raja, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Secretary to the Government,
Prohibition & Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
M-4, Redhills Police Station,
Chennai - 600 066.
4. The Joint Secretary,
Public (Law and Order) Department,
Fort St. George,
Chennai - 600 009.
5. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.840 of 2022

PMK(CO)
UMA(14/07/2022)