



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.249 of 2022

Vijayakumar

.. Petitioner/
Brother of the detainee

Vs.

1. State of Tamil Nadu represented by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Police,
Central Prison Puzhal,
Chennai.
4. The Inspector of Police,
Central Crime Branch,
Anti-land Grabbing Special Cell-II,
Team XXIII, Vepery,
Chennai - 600 007.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the records made in No.246/BCDFGISSSV/2021 dated 26.08.2021 on the file of the 2nd respondent herein and quash the same illegal and direct the respondents to produce the detenu viz., Raja, S/o.Krishnamoorthy, aged about 43 years, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.S.Arumugam

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



ORDER
[Made by P.N.PRAKASH, J.]

The petitioner is the brother of the detenu Raja, S/o.Krishnamoorthy, aged about 43 years. The detenu has been detained by the second respondent by his order in No.246/BCDFGISSSV/2021 dated 26.08.2021, 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 his argument 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.593 and 595 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.246/BCDFGISSSV/2021 dated 26.08.2021, passed by the second respondent is set aside. The detenu, viz., Raja, S/o.Krishnamoorthy, aged about 43 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Police,
Central Prison Puzhal,
Chennai.
4. The Inspector of Police,
Central Crime Branch,
Anti-land Grabbing Special Cell-II,
Team XXIII, Vepery,
Chennai - 600 007.
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.249 of 2022

AK-II(CO)
CT 04/05/2022