



WEB COPY



HCP No.492 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

Coram

The Honourable Mr. Justice **S.VAIDYANATHAN**
and

The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P. No.492 of 2022

M.Ambika

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by Secretary of State,
Prohibition and Excise Department,
Fort St. George,
Chennai – 600 001.
2. The District Collector and District Magistrate,
Tiruvannamalai District.
3. The Superintendent of Police,
Tiruvannmalai District.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.

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 order of detention passed by the second respondent herein by his order in D.O. No.94/2021-C2, dated 28.10.2021 and produce the body of the detainee viz. Murugan S/o.Kaliyaperumal aged about 27 years detained in Central Prison, Vellore, before this Court and set him at liberty forthwith.

For Petitioner : Mr. Jerry V.V.Sundar

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 detainee Murugan S/o.Kaliyaperumal aged about 27 years. The detenu has been detained by the second respondent by his order in D.O. No.94/2021-C2, dated 28.10.2021, 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



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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 No.64 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



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detention in D.O. No.94/2021-C2, dated 28.10.2021, passed by the second respondent is set aside. The detenu, namely, Murugan S/o.Kaliyaperumal aged about 27 years, 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.)
08.07.2022

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

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Prohibition and Excise Department,
Fort St. George,
Chennai – 600 001.
2. The District Collector and District Magistrate,
Tiruvannamalai District.
3. The Superintendent of Police,
Tiruvannmalai District.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.
6. The Public Prosecutor,
High Court, Madras.

**S.VAIDYANATHAN, J.,
AND**



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