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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.158 of 2022

Jerina Begum

.. Petitioner / Aunty of detenue

Vs.

1. State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Viluppuram District,
Viluppuram.
3. The Superintendent of Police,
Viluppuram District,
Viluppuram.
4. The Inspector of Police,
Kottakuppam Police Station,
Viluppuram District.
5. The Superintendent,
Central Prison, Cuddalore.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records relating to petitioner sister's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 19.07.2021 on the file of the second respondent herein made in proceedings in Rc.No.C2/18734/2021 and quash the same as illegal and consequently, direct the respondents herein to produce the detenu viz., Mohamed Shajahan s/o.Mohamed Faroz, aged 20 years, before this Court, who is detained at Central Prison, Cuddalore and set him at liberty.



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For Petitioner : Mr.C.C.Chellappan
For Respondents : Mr.M.Babu Muthu Meeran
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.A.NAKKIRAN, J]

The petitioner is the aunt of the detenu viz., Mohamed Shajahan s/o.Mohamed Faroz, aged 20 years. The detenu has been detained by the second respondent by his order in Rc.No.C2/18734/2021 dated 19.07.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 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 pertaining to the ground case has not been translated in vernacular language. 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 No.56 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been 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 Rc.No.C2/18734/2021 dated 19.07.2021 passed by the second respondent is set aside. The detenu, viz., Mohamed Shajahan s/o.Mohamed Faroz, aged 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



gm

To

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Viluppuram District,
Viluppuram.
3. The Superintendent of Police,
Viluppuram District,
Viluppuram.
4. The Inspector of Police,
Kottakuppam Police Station,
Viluppuram District.
5. The Superintendent,
Central Prison, Cuddalore.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.158 of 2022

MG[co]
NSK 05/04/2022