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HCP.No.309 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2022

Coram

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

HCP.No.309 of 2022

V.Saranya

.... Petitioner

-VS-

- 1.The Secretary to Government
Home Department,
Secretariat, Fort St.George, Chennai -9.
- 2.The District Collector-cum-District Magistrate
Office of the District Collector-cum-District Magistrate
Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District, Cuddalore.
4. The Superintendent of Police,
Central Prison,
Cuddalore.
- 5.The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.

... Respondents



HCP.No.309 of 2022

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to call for the records in C3/D.O./38/2021, dated 06.12.2021 on the file of the 2nd respondent and quash the same as illegal and direct the respondent to produce the detenu Aravind @ Veeramani s/o.Veerappan aged about 23years before this Court now confined at Central Prison, Cuddalore and set him at liberty.

For Petitioner : Mr.T.Elumalai.

For Respondents : Mr.M.Babu Muthumeeran, APP.

ORDER

S.VAIDYANATHAN, J.

AND

A.D.JAGADISH CHANDIRA, J.

The petitioner is the wife of Aravind @ Veeramani s/o.Veerappan, male, aged about 23 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/DO/38/2021 dated 06.12.2021, 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.



HCP.No.309 of 2022

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, she has mainly focused his argument on the ground that the arrest intimation pertaining to the ground case has not been 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.72 and 73 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/DO/38/2021 dated 06.12.2021,



HCP.No.309 of 2022

passed by the second respondent is set aside. The detenu, viz., Aravind @ Veermani, male, aged about 23 years, son of Veerappan, 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.,]
06.07.2022.

Index: Yes / No

Speaking Order / Non Speaking Order
tsh

To

1.The Secretary to Government

Home Department,
Secretariat, Fort St.George, Chennai -9.

2.The District Collector-cum-District Magistrate
Office of the District Collector-cum-District Magistrate
Cuddalore District, Cuddalore.

3. The Superintendent of Police,
Cuddalore District, Cuddalore.

4. The Superintendent of Police,
Central Prison, Cuddalore.

5.The Inspector of Police,
Thirupapuliur Police Station,
Cuddalore District.

6. The Public Prosecutor,
High Court, Madras.



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HCP.No.309 of 2022

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HCP.No.309 of 2022

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