



HCP.No.273 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2022

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

HCP.No.273 of 2022

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.... Petitioner

-VS-

- 1.The Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai -9.
- 2.The District Magistrate and District Collector of
Tiruppur District, Tiruppur.
- 3.The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
- 5.The Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.

... Respondents



HCP.No.273 of 2022

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to call for the records in connection with the order of detention passed by the second respondent dated 27.09.2021 in Cr.MP.No.36/Sexual Offender/2021 against the petitioner brother Rajkumar, Male aged 25 years s/o.Murugan who is confined at Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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

ORDER

S.VAIDYANATHAN, J.

AND

A.D.JAGADISH CHANDIRA, J.

The petitioner is the sister of Rajkumar s/o.Murugan, male, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.MP.No.36/Sexual Offender/2021 dated 27.09.2021, holding him to be a "Goonda", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



HCP.No.273 of 2022

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, 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.14 and 15 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.



HCP.No.273 of 2022

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.MP.No.36/Sexual Offender/2021 dated 27.09.2021, passed by the second respondent is set aside. The detenu, viz., Rajkumar, male, aged about 24 years, son of Murugan, 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.,]
13.07.2022.

Index: Yes / No

Speaking Order / Non Speaking Order

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To

1.The Secretary to Government

Home Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai -9.

2.The District Magistrate and District Collector of
Tiruppur District, Tiruppur.

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

4. The Superintendent of Prison,
Central Prison, Coimbatore.

5.The Inspector of Police,
All Women Police Station,
Dharapuram, Tiruppur District.

6. The Public Prosecutor,
High Court, Madras.

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HCP.No.273 of 2022

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HCP.No.273 of 2022

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