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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.493 of 2022

Selvi

.. Petitioner

Vs.

1. The Secretary to the Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai - 600 009.

2. The Commissioner of Police,  
Salem City.

3. The Superintendent of Prison,  
Special Prison for Women,  
Coimbatore.

4. The Inspector of Police,  
Kitchipalayam Police Station,  
Salem City & District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the records in connection with the order of detention passed by the second respondent dated 16.09.2021 in C.M.P.No.83/I.T.O/Salem City/2021 against the petitioner's friend Mugamatha, female, aged 30 years, W/o.Kailash, who is confined at the Special Prison for Women, Coimbatore and set aside the same and direct the respondents to produce the detainee before this Court and set her at liberty.

For Petitioner : Mr.S.Senthil Vel

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



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

The petitioner is the friend of the detenu Mugamatha, female, aged 30 years, W/o.Kailash. The detenu has been detained by the second respondent by his order in C.M.P.No.83/I.T.O/Salem City/2021 dated 16.09.2021, holding him to be a "Immoral Traffic Offender", as contemplated under Section 2(g) 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 arrest intimation 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.8 and 9 of the booklet, it is clear that the arrest intimation 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 C.M.P.No.83/I.T.O/Salem City/2021 dated 16.09.2021, passed by the second respondent is set aside. The detenu, viz., Mugamatha, female, aged 30 years, W/o.Kailash, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Secretary to the Government,  
Home, Prohibition and Excise Department,  
Fort St.George,  
Chennai - 600 009.
2. The Commissioner of Police,  
Salem City.
3. The Superintendent of Prison,  
Special Prison for Women,  
Coimbatore.
4. The Inspector of Police,  
Kitchipalayam Police Station,  
Salem City & District.
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.493 of 2022

SSI (CO)  
CT 04/05/2022