

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

H.C.P.NO.518 OF 2022

Dinesh

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai.
3. The Superintendent, Central Prison,
Puzhal - II, Chennai.
4. The Inspector of Police (Crime),
K-10, Koyambedu Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the order of detention dated on 23.11.2021 passed by the second respondent in No.351/BCDFGISSSV/2021 and quash the same as illegal and direct the respondent to produce the detainee Deena S/o. Kannan, Male, aged about 22 years, now confined at Central Prison-II, Puzhal, Chennai and set him at liberty.

For Petitioner : Mr.S.Senthil Kumar

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

ORDER

S.VAIDYANATHAN, J.,
AND
A.D.JAGADISH CHANDIRA, J.,

The petitioner is the brother of Deena S/o. Kannan, Male, aged about 22 years, who is the detenu. The detenu has been detained by the second respondent by his order in No.351/BCDFGISSSV/2021, dated 23.11.2021, 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.

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 Nos.613 to 615 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 detention in No.351/BCDFGISSSV/2021, dated 23.11.2021, passed by the second respondent is set aside. The detenu, namely, Deena S/o. Kannan, Male, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai.
3. The Superintendent, Central Prison,
Puzhal - II,
Chennai.
4. The Inspector of Police (Crime),
K-10, Koyambedu Police Station,
Chennai..
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.518 of 2022

NR(CO)
RLP(12/07/2022)