



HCP No.577 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 19.12.2022**

**Coram**

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH  
and  
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

**H.C.P.No.577 of 2022**

Rakini  
W/o.Munivel

... Petitioner

**Vs.**

1.The State of Tamil Nadu,  
represented by Secretary to Government,  
Prohibition and Excise Department,  
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,  
Greater Chennai,  
Office of the Commissioner of Police,  
(Goondas Section),  
Vepery, Chennai - 600 007.

3.The Superintendent of Police,  
Central Prison, Puzhal.

4.The Inspector of Police,  
M-3 Puzhal Police Station,  
Chennai District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order dated 02.02.2022 passed by the second respondent in BCDFGISSSV No.17 of 2022 and quash the same and direct the respondents herein to produce the petitioner's son Tamilarasan S/o.Munivel, aged 31 years, who is presently undergoing detention in the Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Chandra Sekar  
For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

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### **ORDER**

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

The petitioner is the mother of the detenu, Tamilarasan S/o.Munivel, aged 31 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.17 of 2022 dated 02.02.2022, 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.



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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 remand order pertaining to the ground case has not been properly 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 Nos.101 and 102 of the booklet, it is clear that the remand order pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.17 of 2022 dated 02.02.2022, passed by the second respondent is set aside. The detenu, viz., Tamilarasan S/o.Munivel, aged 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]  
19.12.2022

Index: Yes/No  
gm

To

- 1.The Secretary to Government,  
Prohibition and Excise Department,  
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police,  
Greater Chennai,  
Office of the Commissioner of Police,  
(Goondas Section),  
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5. The Joint Secretary to Government of Tamil Nadu,  
Public, Law and Order Department,  
Secretariat, Chennai – 9.

6. The Public Prosecutor,  
High Court, Madras.



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**P.N.PRAKASH, J.**  
and  
**N.ANAND VENKATESH, J.**

gm

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