



H.C.P.No.638 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.638 of 2022

R.Paripooranam

.. Petitioner

Vs

1.The Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Tambaram City,
(Goondas Section),
Sholinganallur, Chennai.

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

4.The Inspector of Police,
O/o.The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in Memo BCDFGISSSV No.26/2022 on the file of the second respondent quash the detention order dated 20.03.2022 and direct the respondents to produce of detenu Bharath, S/o.Rathinam, detained at the Central Prison, Puzhal, under the Tamil Nadu Act 14 of 1982, before this Court and set him at liberty.

For Petitioner : Mr.P.K.Ganesh

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the mother of the detenu Bharath, S/o.Rathinam, aged 25 years. The detenu has been detained by the second respondent by his order in Memo BCDFGISSSV No.26/2022 dated 20.03.2022, 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 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 fully translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.243 and 245 of the booklet, it is clear that the arrest intimation has not been fully 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.26/2022 dated 20.03.2022, passed by the second respondent is set aside. The detenu, viz., Bharath, S/o.Rathinam, aged 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
27.10.2022

Index: Yes/No
nsd



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To

- 1.The Secretary to Government of Tamil Nadu,
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Secretariat,
Chennai-600 009.
- 2.The Commissioner of Police,
Tambaram City,
(Goondas Section),
Sholinganallur, Chennai.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai.
- 4.The Inspector of Police,
O/o.The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.
- 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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and
RMT.TEEKAA RAMAN, J.

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