



H.C.P.No.663 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

Coram

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

H.C.P.No.663 of 2022

Anjalatchi

.. Petitioner

Vs

1.The State of Tamil Nadu represented by its
Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.

2.The District Collector and District Magistrate,
Viluppuram District, Villupuram.

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

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

5.The State represented by
Inspector of Police,
Kandamangalam Police Station,
Viluppuram District.

.. Respondents



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Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records of the second respondent in his proceeding in Rc.No.C2/5723/2022 dated 24.02.2022 to quash the same and consequently direct the respondents to produce the detenu Vinayagam, S/o.Jayabal, aged about 22 years, now confined in the Central Prison, Cuddalore, set him at liberty forthwith.

For Petitioner : Mr.K.Sudhakar

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

ORDER

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

The petitioner is the mother of the detenu Vinayagam, S/o.Jayabal, aged 22 years. The detenu has been detained by the second respondent by his order in Rc.No.C2/5723/2022 dated 24.02.2022, 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 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.74 and 75 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 Rc.No.C2/5723/2022 dated 24.02.2022, passed by the second respondent is set aside. The detenu, viz., Vinayagam, son of Jayabal, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
26.10.2022

Index: Yes/No
nsd



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To

- 1.The Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai.
- 2.The District Collector and District Magistrate,
Viluppuram District, Villupuram.
- 3.The Superintendent of Police,
Viluppuram, Viluppuram District.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore.
- 5.The Inspector of Police,
Kandamangalam Police Station,
Villupuram District
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor,
High Court, Madras.



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and
RMT.TEEKAA RAMAN, J.

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