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H.C.P.No.680 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2022

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.680 of 2022

Glory Devardhi

.. Petitioner

Vs.

1.The Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009

2.The District Magistrate and District Collector
Erode District, Erode

3.The Superintendent of Police
Erode District, Erode

4.The Superintendent of Prison
Central Prison, Coimbatore

5.The Inspector of Police
Chithode Town Police Station
Erode District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS to call for the records in connection with the



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order of detention passed by the 2nd respondent dated 11.04.2022 in Cr.M.P.No.08/Goonda/2022 C1 against the petitioner's husband Nicholas @ Raja, male, aged 39 years, S/o.Danaraj, who is confined at Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.R.Muniyapparaj

Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu. The detenu viz., Nicholas @ Raja, aged 39 years, S/o.Danaraj has been detained by the 2nd respondent, by his order dated 11.04.2022 in Cr.M.P.No.08/Goonda/2022 C1, 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.



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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. 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.34 and 35 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 Cr.M.P.No.08/Goonda/2022 C1 dated 11.04.2022, passed by the 2nd respondent is set aside. The detenu viz., Nicholas @ Raja, aged 39 years, S/o.Danaraj, is directed to be released forthwith, unless his detention is required in connection with any other case.

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Issue order copy by 30.11.2022

[P.N.P., J.]

[T K R, J.]

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P.N.PRAKASH, J.

AND

RMT.TEEKAA RAMAN, J.

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To

1.The Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The District Magistrate and District Collector
Erode District, Erode

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4.The Superintendent of Police
Erode District, Erode

5.The Superintendent of Prison
Central Prison, Coimbatore

6.The Inspector of Police
Chithode Town Police Station
Erode District

7.The Public Prosecutor
High Court, Madras

29.11.2022