



WEB COPY



Order dated : 18.10.2022

HCP No.751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN

H.C.P.No.751 of 2022

Kalamani

W/o.Rangasamy

... Petitioner

Vs.

1.State of Tamil Nadu

represented by

The Secretary to Government,

Home, Prohibition & Excise Department,

Fort St.George, Chennai – 600 009.

2.The District Magistrate and District Collector,

Tirupur District, Tirupur.

3.The Superintendent of Police,

Tirupur District, Tirupur.

4.The Superintendent of Prison,

Central Prison, Coimbatore.

5.The Inspector of Police,

Avinashi Circle (Law & Order),

Tirupur 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 pertaining to the order of detention passed by the second respondent in Cr.M.P.No.18/Goonda/2022 dated 22.03.2022 against the petitioner's son, the detenu, Arul Kumar s/o.Rangasamy, aged 26 years, now confined in Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner is the mother of the detenu, Arul Kumar s/o.Rangasamy, aged 26 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.18/Goonda/2022 dated 22.03.2022, 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 learned counsel for the petitioner and learned Additional Public Prosecutor 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 arrest intimation pertaining to the ground case has not been fully 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.97 and 98 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been 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 Cr.M.P.No.18/Goonda/2022 dated 22.03.2022, passed by the second respondent is set aside. The detenu, viz., Arul Kumar s/o.Rangasamy, aged 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
18.10.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Home, Prohibition & Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The District Magistrate and District Collector,
Tirupur District, Tirupur.
- 3.The Superintendent of Police,
Tirupur District, Tirupur.
- 4.The Superintendent of Prison,
Central Prison, Coimbatore.
- 5.The Inspector of Police,
Avinashi Circle (Law & Order),
Tirupur District.



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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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