



WEB COPY



HCP No.724 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

Coram

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

H.C.P.No.724 of 2022

Parameshwari
W/o.Kalidas

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its
Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Kanchipuram, Kanchipuram District.
- 3.The Superintendent of Police,
O/o.Superintendent Office,
Kanchipuram, Kanchipuram District.
- 4.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.



HCP No.724 of 2022

WEB COPY

5.State represented by its
The Inspector of Police,
Sivakanchi Police Station,
Kanchipuram, Kanchipuram District.

... Respondents

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 proceedings of the second respondent herein BCDFGISSSV No.14/2022 dated 28.03.2022 and quash the same and produce the detenu Sathish @ Otta Sathish S/o.Kalidass, aged 23 years, now detained at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

[The prayer portion amended as per order in CrI.M.P.No.19298/2022 in H.C.P.No.724/2022 dated 20.12.2022]

For Petitioner : Mr.K.G.Senthilkumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Sathish @ Otta Sathish S/o.Kalidass, aged 23 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.14/2022 dated 28.03.2022, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil



HCP No.724 of 2022

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. 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 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 No.267 of the booklet, it is clear that the arrest intimation 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.



HCP No.724 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.14/2022 dated 28.03.2022, passed by the second respondent is set aside. The detenu, viz., Sathish @ Otta Sathish S/o.Kalidass, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
23.12.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Kanchipuram, Kanchipuram District.
- 3.The Superintendent of Police,
O/o.Superintendent Office,
Kanchipuram, Kanchipuram District.
- 4.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
- 5.The Inspector of Police,
Sivakanchi Police Station,
Kanchipuram, Kanchipuram District.

4/6



HCP No.724 of 2022

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

7.The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No.724 of 2022

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

gm

H.C.P.No.724 of 2022

23.12.2022