



WEB COPY



Order dated : 20.10.2022

HCP No.852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN

H.C.P.No.852 of 2022

Selvi

W/o.Subramani

... Petitioner

Vs.

1.State of Tamil Nadu

represented by

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner of Police,

Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai - 119.

3.The Superintendent,

Central Prison, Puzhal,
Chennai - 600 066.

4.The Inspector of Police,

S-6, Sankar Nagar Police Station,
Chennai - 600 075.

... 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 relating to the impugned order of detention dated 20.03.2022 in No.25/BCDFGISSSV/2022 passed by the second respondent herein and quash the same and consequently, direct the respondents to produce the detenu Ravichandran @ Ravi @ Chikka Ravi s/o.Subramani, aged about 29 years, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

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

ORDER

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

The petitioner is the mother of the detenu, Ravichandran @ Ravi @ Chikka Ravi s/o.Subramani, aged about 29 years. The detenu has been detained by the second respondent by his order in No.25/BCDFGISSSV/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.

2. We have heard learned counsel for the petitioner and learned



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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 No.295 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.

In the result, the Habeas Corpus Petition is allowed and the order of



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detention in No.25/BCDFGISSSV/2022 dated 20.03.2022, passed by the second respondent is set aside. The detenu, viz., Ravichandran @ Ravi @ Chikka Ravi s/o.Subramani, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
20.10.2022

Index: Yes/No
gm

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai - 119.
- 3.The Superintendent,
Central Prison, Puzhal,
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5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

6.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.
and



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RMT. TEEKAA RAMAN, J.

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