



WEB COPY



HCP No.742 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.742 of 2022

A.Lokeshwaran
S/o.Arumugam

... Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai,
Chennai City Police,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Superintendent of Central Prison,
Central Prison, Puzhal,
Chennai - 600 066.

4.The Inspector of Police,
S7 - Madipakkam Police Station,
Madipakkam, Chennai - 600 091.

... 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 detention order vide Memo No.38/BCDFGISSSV/2022 dated 18.03.2022 passed by the second respondent and set aside the same and direct the respondent to produce the body of the detenu Kishorekumar @ Kishore S/o.Rajan, aged 26 years, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Elumalai
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the friend of the detenu, Kishorekumar @ Kishore S/o.Rajan, aged 26 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.38/2022 dated 18.03.2022, 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.179 and 180 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 BCDFGISSSV No.38/2022 dated 18.03.2022, passed by the second respondent is set aside. The detenu, viz., Kishorekumar @ Kishore S/o.Rajan, aged 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
01.11.2022

Index: Yes/No
gm

To

- 1.The Additional Chief Secretary,
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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.



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P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

gm

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