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H.C.P.No.804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **SUNDER MOHAN**

H.C.P.No.804 of 2022

Dhivya

.. Petitioner

Vs

1.State of Tamil Nadu represented by
its Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai-600 009.

2.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur,
Chennai – 600 119.

3.The Inspector of Police,
H-2, Guduvancherry Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison – II,
Puzhal,
Chennai.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in BCDFGISSSV No.41/2022 dated 31.03.2022 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Madhan Kumar @ Madhan, S/o.Vembuli, aged about 26 years, who is confined at the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the wife of the detenu Madhan Kumar @ Madhan, S/o.Vembuli, aged about 26 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.41/2022 dated 31.03.2022, 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 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 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 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 No.112 of the booklet, it is clear that the arrest intimation 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 BCDFGISSSV No.41/2022 dated 31.03.2022, passed by the second respondent is set aside. The detenu, viz. Madhan Kumar @ Madhan, S/o.Vembuli, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (S.M., J.)
21.11.2022

Index: Yes/No
nsd



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To

1. Secretary to Government,
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Office of the Commissioner of Police,
Sholinganallur,
Chennai – 600 119.
3. The Inspector of Police,
H-2, Guduvancherry Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison – II,
Puzhal,
Chennai.
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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SUNDER MOHAN, J.

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