



H.C.P.No.753 of 2022

Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus call for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 *vide* detention order dated 22.04.2022 on the file of the second respondent herein made in proceedings C.M.P.No.30/Goonda/Salem City/2022, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband *viz.* KUMARAN, S/o.Balu, aged 31 years, before this High Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at the Central Prison, Salem.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

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

The petitioner is the wife of the detenu KUMARAN, S/o.Balu, aged 31 years. The detenu has been detained by the second respondent by his order in C.M.P.No.30/Goonda/Salem City/2022 dated 22.04.2022, holding him to be a "Goonda", as contemplated



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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 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 fully 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 Nos.6 and 7 of the booklet, it is clear that the arrest intimation 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 C.M.P.No.30/Goonda/Salem City/2022 dated 22.04.2022, passed by the second respondent is set aside. The detenu, viz., KUMARAN, S/o.Balu, aged 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
31.10.2022

Index: Yes/No
nsd



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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Commissioner of Police,
Salem City, Salem District.
- 3.The Superintendent of Prison,
Central Prison - Salem,
Salem District.
- 4.The Inspector of Police,
Fairlands Police Station,
Salem District.
- 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.

nsd

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