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H.C.P.No.776 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.11.2022

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.776 of 2022

Kanchana

.. Petitioner

Vs.

1.State of Tamil Nadu
Rep. by Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009

2.The Commissioner of Police
Greater Chennai
Chennai City Police
Chennai 600 007

3.The Superintendent of Prison
Central Prison, Puzhal
Chennai

4.The Inspector of Police
C-3 Sevenwells Police Station
Chennai 600 021

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS to call for the records in connection with the



H.C.P.No.776 of 2022

order of detention passed by the 2nd respondent dated 11.04.2022 in No.62/BCDFGISSSV/2022 against the petitioner's husband Boopathi, male, aged 32 years, S/o.Kuttiyappan, who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu. The detenu *viz.*, Boopathi, aged 32 years, S/o.Kuttiyappan has been detained by the 2nd respondent, by his order dated 11.04.2022 in No.62/BCDFGISSSV/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 the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.



H.C.P.No.776 of 2022

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 sole 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.117 and 118 of the booklet, it is clear that the arrest intimation has not been properly 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 detention in No.62/BCDFGISSSV/2022 dated 11.04.2022, passed by the 2nd respondent is set aside. The detenu viz., Boopathi, aged 32 years, S/o.Kuttiyappan, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.] [T K R, J.]
29.11.2022

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Issue order copy by 30.11.2022



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H.C.P.No.776 of 2022

P.N.PRAKASH, J.

AND

RMT.TEEKAA RAMAN, J.

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To

1.The Secretary to the Government
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The Superintendent of Prison
Central Prison, Puzhal
Chennai

H.C.P.No.776 of 2022

4.The Inspector of Police
C-3 Sevenwells Police Station
Chennai 600 021

5.The Public Prosecutor
High Court, Madras

29.11.2022