



WEB COPY



HCP No.780 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.780 of 2022

Karthika
W/o.Suresh

... Petitioner

Vs.

1.State, represented by
The Secretary to Government of Tamil nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Salem City,
Salem District.

3.The Superintendent of Police,
Salem Central Prison,
Salem District.

4.The Inspector of Police,
Sooramangalam Police Station,
Salem District.

... Respondents



HCP No.780 of 2022

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in impugned order C.M.P.No.33/Goonda/Salem City/2022 dated 27.04.2022 passed by the Commissioner of Police, Salem City, Salem District second respondent herein and quash the same as illegal and direct the respondents to produce the detenu Suresh, S/o.Mani, aged 42 years, now confined in Central Prison, Salem, before this Court and set him at liberty to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Suresh S/o.Mani, aged 42 years. The detenu has been detained by the second respondent by his order in C.M.P.No.33/Goonda/Salem City/2022 dated 27.04.2022, 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.



HCP No.780 of 2022

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 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 properly 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.146 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



HCP No.780 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.33/Goonda/Salem City/2022 dated 27.04.2022, passed by the second respondent is set aside. The detenu, viz., Suresh S/o.Mani, aged 42 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
21.12.2022

Index: Yes/No
gya/ssr

To

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



HCP No.780 of 2022

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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HCP No.780 of 2022

P.N.PRAKASH, J.
and
N.ANAND VENKATESH, J.

SSR

H.C.P.No.780 of 2022

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