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H.C.P.No.831 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2022

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

H.C.P.No.831 of 2022

Nisha

.. Petitioner

Vs.

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

2.The District Collector and District Magistrate
Tiruvannamalai District, Tiruvannamalai

3.The Superintendent of Police
Tiruvannamalai District, Tiruvannamalai

4.The Superintendent of Prison
Central Prison, Vellore

5.The Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai

.. 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 order



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of detention passed by the 2nd respondent dated 27.04.2022 in D.O.No.48/2022-C2 against the petitioner Vicky @ Vignesh, male, aged 22 years, S/o.Jaishankar who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.Mohammed Saifulla
for Mr.D.Balaji
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by RMT.TEEKAA RAMAN, J.]

The petitioner is the sister of the detenu. The detenu *viz.*, Vicky @ Vignesh, aged 22 years, S/o.Jaishankar has been detained by the 2nd respondent, by his order dated 27.04.2022 in D.O.No.48/2022-C2, 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.

3. Though the learned counsel for the petitioner has raised several other



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grounds to assail the order of detention, he has mainly focused his argument on the ground that the remand extension order 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 No.113 of the booklet, it is clear that the remand extension order 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 D.O.No.48/2022-C2 dated 27.04.2022, passed by the 2nd respondent is set aside. The detenu viz., Vicky @ Vignesh, aged 22 years, S/o.Jaishankar, is directed to be released forthwith, unless his detention is required in connection with any other case.

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Issue order copy by 07.11.2022

[P.N.P., J.] [T K R, J.]
04.11.2022

P.N.PRAKASH, J.
AND



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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 District Collector and District Magistrate
Tiruvannamalai District, Tiruvannamalai

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4.The Superintendent of Police
Tiruvannamalai District, Tiruvannamalai

5.The Superintendent of Prison
Central Prison, Vellore

6.The Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai

7.The Public Prosecutor
High Court, Madras

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