



H.C.P.No.813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

H.C.P.No.813 of 2022

M. Kalpana

Petitioner

v

- 1 State of Tamil Nadu
represented by its Secretary to Government
Home, Prohibition and Excise Department
Fort St. George
Chennai
- 2 The District Magistrate & District Collector
Tiruppur District, Tiruppur
- 3 The Superintendent of Police
Tiruppur District, Tiruppur
- 4 The Superintendent of Prison
Coimbatore Central Prison
Coimbatore
- 5 The Inspector of Police
Cheyur Police Station
Tiruppur

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue



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a WRIT OF HABEAS CORPUS calling for the records pertaining to the detenu Moorthy @ Pukkanmoorthy, aged 37 years, S/o.Karuppusamy, who is detained under Tamil Nadu Act 14 of 1982 as Goonda at the Central Puzhal Prison, Coimbatore, herein *vide* order in Cr.M.P. No.17/Goonda/2022 dated 22.03.2022 on the file of the second respondent and to quash the same and direct the respondents to produce the body of the detenu Moorthy @ Pukkanmoorthy, S/o.Karuppusamy, aged about 37 years, before this Court and set him at liberty.

For petitioner	Mr.P.Thinesh
For respondents	Mr.R.Muniyapparaj Additional Public Prosecutor

ORDER

[Made by N.ANAND VENKATESH, J.]

The petitioner is the wife of the detenu *viz.*, Moorthy @ Pukkanmoorthy, aged 37 years, S/o.Karuppusamy. The detenu has been detained by the 2nd respondent by his order dated 22.03.2022 in Cr.M.P.No.17/Goonda/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. We have also perused the records produced by the Detaining Authority.



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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.94 and 95 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 Cr.M.P.No.17/Goonda/2022 dated 22.03.2022, passed by the 2nd respondent is set aside. The detenu viz., Moorthy @ Pukkanmoorthy, aged 37 years, S/o.Karuppusamy, 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 16.12.2022

[P.N.P., J.] [N.A.V., J.]
15.12.2022



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P.N.PRAKASH, J.

AND

N. ANAND VENKATESH, J.

gya

To

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Government of Tamil Nadu
Fort St. George, Chennai
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3 The District Magistrate & District Collector
Tiruppur District, Tiruppur
- 4 The Superintendent of Police
Tiruppur District, Tiruppur
- 5 The Superintendent of Prison
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Coimbatore
- 6 The Inspector of Police
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Tiruppur
- 7 The Public Prosecutor
High Court, Madras

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