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H.C.P.No.801 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.801 of 2022

A.Devi

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Detaining Authority,
Ranipet, Ranipet District.
- 3.The Superintendent of Police,
Ranipet, Ranipet District.
- 4.The Superintendent of Prison,
Central Prison,
Vellore, Vellore District.
- 5.The Inspector of Police,
Vazhapandal Police Station,
Ranipet District.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent in his office Ref.B3/D.O.No.13/2022 dated 13.04.2022 against the petitioner's husband by name Arul, S/o.Krishnan, aged about 41 years, now confined at the Central Prison, Vellore, Vellore District and set aside the same and direct the respondents to produce the above said detenu before this Court and set him at liberty.

For Petitioner : Mr.E.Kannadasan

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

ORDER

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

The petitioner is the wife of the detenu Arul, S/o.Krishnan, aged about 41 years. The detenu has been detained by the second respondent by his order in Memo B3/D.O.No.13/2022 dated 13.04.2022, 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.



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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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.21 and 22 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 Memo B3/D.O.No.13/2022 dated 13.04.2022, passed by the second respondent is set aside. The detenu, viz., Arul, S/o.Krishnan, aged about 41 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
19.10.2022

Index: Yes/No
nsd



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To

- 1.The Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
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Chennai-600 009.
- 2.The District Collector and District Magistrate,
Detaining Authority,
Ranipet, Ranipet District.
- 3.The Superintendent of Police,
Ranipet, Ranipet District.
- 4.The Superintendent of Prison,
Central Prison,
Vellore, Vellore District.
- 5.The Inspector of Police,
Vazhapandal Police Station,
Ranipet District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor,
High Court, Madras.



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