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H.C.P.No.807 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

Coram

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

H.C.P.No.807 of 2022

Saradha

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 9.
- 2.The Commissioner of Police,
Salem City, Salem District.
- 3.The Superintendent,
Central Prison,
Salem – 636 007.
- 4.The Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No.262/2022)

.. Respondents



H.C.P.No.807 of 2022

Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus call for the entire records leading to the detention of petitioner's husband the detenu Pagalavan @ Palani @ Sathishkuma, 37 years, S/o.Settu, D.No.5/501, Kalayanasundaram Colony, Jagir Chinna Ammamapalayam, Sooramangalam, Salem City, presently detained in the Central Prison, under Act 14/1982, branded as 'Goonda' vide the detention order dated 19.04.2022 in C.M.P.No.27/Goonda/Salem City/2022 on the file of the second respondent herein, directing to produce the person or body of the detenu Pagalavan @ Palani @ Sathishkuma, 37 years, S/o.Settu, before this Court and set him at liberty from the Central Prison, Salem, by setting aside the above order.

For Petitioner : Mr.B.Vasudevan

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

ORDER

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

The petitioner is the wife of the detenu Pagalavan @ Palani @ Sathishkuma, 37 years, S/o.Settu. The detenu has been detained by the second respondent by his order in C.M.P.No.27/Goonda/Salem



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City/2022 dated 19.04.2022, 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.

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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.37 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 C.M.P.No.27/Goonda/Salem City/2022 dated 19.04.2022, passed by the second respondent is set aside. The detenu, viz., Pagalavan @ Palani @ Sathishkuma, 37 years, S/o.Settu, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
31.10.2022

Index: Yes/No
nsd



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To

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Salem City, Salem District.
- 3.The Superintendent,
Central Prison,
Salem – 636 007.
- 4.The Inspector of Police,
Sooramangalam Police Station,
Salem District.
- 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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