



WEB COPY



HCP No.809 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.809 of 2022

Angannan
S/o.Ramanathan

... Petitioner

Vs.

1.State of Tamil Nadu represented by
its 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,
Shevapet Police Station,
Salem District.
(Crime No.22/2022)

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records leading to the detention of petitioners son the detenu Vinoth @ Vinothkumar, aged 36 years, S/o.Angannan, D.No.103, Appu Chetty Street, Shevapet, Salem City, presently detained in the Central Prison, Salem, under Act 14/1982 branded as "Goonda" *vide* the detention order dated 03.02.2022 in C.M.P.No.6/Goonda/Salem City 2022 on the file of the second respondent herein, directing to produce the person or body of the detenu Vinoth @ Vinothkumar, aged 36 years, S/o.Angannan, before this Court and thereafter, 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
Additional Public Prosecutor

ORDER

[Made by **RMT. TEEKAA RAMAN, J.**]

The petitioner is the father of the detenu Vinoth @ Vinothkumar, aged 36 years, S/o.Angannan, has been detained by the second respondent by his order in C.M.P.No.6/Goonda/Salem City 2022 dated 03.02.2022, 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 learned counsel for the petitioner and learned Additional Public Prosecutor 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 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 Nos.28 and 29 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.6/Goonda/Salem City 2022 dated 03.02.2022, passed by the second respondent is set aside. The detenu, viz., Vinoth @ Vinothkumar, aged 36 years, S/o.Angannan, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
07.11.2022

Index: Yes/No
gm



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To

- 1.The Secretary to Government,
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Chennai - 9.
- 2.The Commissioner of Police,
Salem City, Salem District.
- 3.The Superintendent,
Central Prison, Salem – 636 007.
- 4.The Inspector of Police,
Shevapet 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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P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

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