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H.C.P.No.832 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.832 of 2022

Thirupuram

Petitioner

v

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Commissioner of Police/Detaining Authority
Greater Chennai
Vepery, Chennai
- 3 The Additional Superintendent
Central Prison – II
Puzhal, Chennai
- 4 The Inspector of Police-cum-Sponsoring Authority
C3, Seven Wells Police Station
Chennai

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS to produce the body of the petitioner's son



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namely Anandan @ Kallarai John, aged 32 years, S/o.Sekar, who is detained in the third respondent/The Additional Superintendent, Central Prison-II, Puzhal, Chennai, before this Court and set him at liberty forthwith by calling for the records pursuant to the detention order dated 11.04.2022 made in Memo No.63/BCDFGISSSV/2022 on the file of the second respondent and quash the same.

For petitioner	Mr.K.Kannan
For respondents	Mr.R.Muniyapparaj Additional Public Prosecutor

ORDER

[Made by N.ANAND VENKATESH, J.]

The petitioner is the mother of the detenu *viz.*, Anandan @ Kallarai John, aged 32 years, S/o.Sekar. The detenu has been detained by the 2nd respondent by his order dated 11.04.2022 in Memo No.63/BCDFGISSSV/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 remand 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 Nos.267 and 269 of the booklet, it is clear that the remand 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 Memo No.63/BCDFGISSSV/2022 dated 11.04.2022, passed by the 2nd respondent is set aside. The detenu viz., Anandan @ Kallarai John, aged 32 years, S/o.Sekar, 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
Secretariat
Fort St. George
Chennai 600 009
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3 The Commissioner of Police/Detaining Authority
Greater Chennai
Vepery, Chennai
- 4 The Additional Superintendent
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Puzhal, Chennai
- 5 The Inspector of Police-cum-Sponsoring Authority
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- 6 The Public Prosecutor
High Court, Madras

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