



WEB COPY



HCP No.838 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.838 of 2022

Magesh
S/o.Pandian

... Petitioner

Vs.

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



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to produce the body of the petitioner's friend, namely, Harish @ Oosi Harish S/o.Kumar, aged about 26 years, 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.61/BCDFGISSSV/2022 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.B.Gopalakrishnan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the friend of the detenu, Harish @ Oosi Harish S/o.Kumar, aged about 26 years. The detenu has been detained by the second respondent by his order in No.61/BCDFGISSSV/2022 dated 11.04.2022, 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 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 pertaining to the ground case 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.261 and 263 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 No.61/BCDFGISSSV/2022 dated 11.04.2022, passed by the second respondent is set aside. The detenu, viz., Harish @ Oosi Harish S/o.Kumar, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
19.12.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
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Chennai.
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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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