



WEB COPY



HCP No.829 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

Coram

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

H.C.P.No.829 of 2022

Shirly Sangeetha
W/o.Kiran

... Petitioner

Vs.

- 1.State of Tamil Nadu
Rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
O/o. the Commissioner of Police, (Goondas Section)
Vepery,
Chennai District.
- 3.The Superintendent of Police,
Central Prison,
Puzhal, Chennai District.
- 4.The Inspector of Police,
Team -28, Job Racketing Wing,
Central Crime Branch-I,
Chennai District.

... 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 records relating to the Detention Order vide Memo No.44/BCDFGISSSV/2022 dated 24.03.2022, passed by the Second Respondent and quash the same and direct the respondents herein to produce the petitioner's husband namely Kiran, S/o.Kalebu, aged 41 years, (who is presently under going detention in the Central Prison, Puzhal, Chennai), before this Court and set him at liberty.

For Petitioner : Mr.S.N.Arun Kumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Kiran S/o.Kalebu, aged 41 years. The detenu has been detained by the second respondent by his order in No.44/BCDFGISSSV/2022 dated 24.03.2022, 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 co-accused's 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 No.921 of the booklet, it is clear that the co-accused's 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.44/BCDFGISSSV/2022 dated 24.03.2022, passed by the second respondent is set aside. The detenu, viz., Kiran S/o.Kalebu, aged 41 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
21.12.2022

Index: Yes/No
gya/ssr

To

- 1.The Secretary,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
O/o. the Commissioner of Police, (Goondas Section)
Vepery,
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- 3.The Superintendent of Police,
Central Prison,
Puzhal, Chennai District.



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4.The Inspector of Police,
Team -28, Job Racketing Wing,
Central Crime Branch-I,
Chennai 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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and
N.ANAND VENKATESH, J.

SSR

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