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H.C.P.No.939 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

H.C.P.No.939 of 2022

S.Kala

Petitioner

v

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009
- 2 The Commissioner of Police
Salem City
- 3 The Superintendent of Prison
Central Prison, Salem
Coimbatore
- 4 The Inspector of Police
Kannankurchi Police Station
Salem City

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the entire records leading to the detention of the petitioner's son Harish Gokul, aged about 21 years, S/o.Settu, is presently lodged in the Central Prison, Salem and has been detained under Act 14



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of 1982 as a Goonda *vide* detention order dated 02.05.2022 on the file of the 2nd respondent herein, made in C.M.P.No.37/Goonda/Salem City/2022 quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Salem.

For Petitioner Mr.E.C.Ramesh
For Respondents Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu. The detenu *viz.*, Harish Gokul, aged about 21 years, S/o.Settu, has been detained by the 2nd respondent, by his order dated 02.05.2022 in C.M.P.No.37/Goonda/Salem City/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 and we have also perused the records carefully.



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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 arrest intimation 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 No.45 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.37/Goonda/Salem City/2022 dated 02.05.2022, passed by the 2nd respondent is set aside. The detenu viz., Harish Gokul, aged about 21 years, S/o.Settu, 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 07.12.2022

[P.N.P., J.] [N.A.V., J.]

06.12.2022



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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
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
Salem City
- 4 The Superintendent of Prison
Central Prison, Salem
Coimbatore
- 5 The Inspector of Police
Kannankurchi Police Station
Salem City
- 6 The Public Prosecutor
High Court, Madras

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