



WEB COPY



HCP No.946 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

Coram

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

H.C.P.No.946 of 2022

Nasim

W/o.Mahamuth Khan

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

2.The Commissioner of Police,
Salem City.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Inspector of Police,
Kannankurchi Police Station,
Salem City.

... Respondents

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 the petitioner's mother Yasin S/o.Mahamuth Khan, aged 26 years, who is presently lodged in Central Prison, Salem and has been



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detained under Act 14/82 as a Goonda vide detention order dated 02.05.2022 on the file of the second respondent herein, made in C.M.P.No.36/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 : Ms.Bagyalakshmi
for Mr.E.C.Ramesh

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu Yasin S/o.Mahamuth Khan, aged 26 years, has been detained by the second respondent by his order in C.M.P.No.36/Goonda/Salem City/2022 dated 02.05.2022, 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 No.87 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.36/Goonda/Salem City/2022 dated 02.05.2022, passed by the second respondent is set aside. The detenu, viz., Yasin S/o.Mahamuth Khan, aged 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
01.12.2022

Index: Yes/No
gm



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- 1.The Secretary to Government,
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- 2.The Commissioner of Police,
Salem City.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Inspector of Police,
Kannankurchi Police Station,
Salem City.
- 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.

gm

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