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H.C.P.No.887 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.887 of 2022

Usha

Petitioner

v

- 1 The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
- 2 The District Collector and District Magistrate
Tiruvannamalai District, Tiruvannamalai
- 3 The Superintendent of Police
Tiruvannamalai District, Tiruvannamalai
- 4 The Superintendent of Prison
Central Prison, Vellore
- 5 The Inspector of Police
Cheyyar Police Station
Tiruvannamalai District

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS to call for the records in connection with the



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order of detention passed by the 2nd respondent dated 18.05.2022 D.O.No.58/2022-C2 against the petitioner's son Hari @ Hariharan, aged about 22 years, S/o.Vijayakumar, is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner Mr.D.Balaji
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., Hari @ Hariharan, aged about 22 years, S/o.Vijayakumar, has been detained by the 2nd respondent, by his order dated 18.05.2022 in D.O.No.58/2022-C2, 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 Nos.16 and 17 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 D.O.No.58/2022-C2 dated 18.05.2022, passed by the 2nd respondent is set aside. The detenu viz., Hari @ Hariharan, aged about 22 years, S/o.Vijayakumar, 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.

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To

- 1 The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3 The District Collector and District Magistrate
Tiruvannamalai District, Tiruvannamalai
- 4 The Superintendent of Police
Tiruvannamalai District, Tiruvannamalai
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Central Prison, Vellore
- 6 The Inspector of Police
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Tiruvannamalai District
- 7 The Public Prosecutor
High Court, Madras

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