



H.C.P.No.896 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **SUNDER MOHAN**

H.C.P.No.896 of 2022

V.Gopinath @ Gopi

.. 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,
Coimbatore, Coimbatore District.
- 3.The Superintendent of Prison,
District Jail – Gobichettipalayam,
Erode District.
- 4.State represented by
The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus to call for the entire records relating to



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the petitioner's detention under Tamil Nadu Act 14/1982 *vide* detention order dated 25.04.2022 on the file of the second respondent herein made in Proceedings Memo C.No.28/G/IS/2022 quash the same as illegal and consequently direct the respondents herein to produce the petitioner *viz.* V.Gopinath @ Gopi, aged 26 years, S/o.Velmani, before this Court and set the petitioner at liberty from detention, now the petitioner detained at the District Jail, Gobichettipalayam, Erode District.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the detenu V.Gopinath @ Gopi, aged 26 years, S/o.Velmani. The detenu has been detained by the second respondent by his order in C.No.28/G/IS/2022 dated 25.04.2022, 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 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 remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.58 to 60 of the booklet, it is clear that the remand order 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.No.28/G/IS/2022 dated 25.04.2022, passed by the second respondent is set aside. The detenu, viz. V.Gopinath @ Gopi, aged 26 years, S/o.Velmani, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (S.M., J.)
21.11.2022

Index: Yes/No
nsd



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To

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Secretariat,
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Chennai-600 009.
- 2.The Commissioner of Police/
Detaining Authority,
Coimbatore,
Coimbatore District.
- 3.The Superintendent of Prison,
District Jail – Gobichettipalayam,
Erode District.
- 4.The Inspector of Police,
C-4, Rathinapuri Police Station,
Coimbatore 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
SUNDER MOHAN, J.

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