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H.C.P.No.932 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.932 of 2022

Sathya

.. Petitioner

Vs.

The State rep. by its

1.The Secretary to Government (Home)

Prohibition & Excise Department

Government of Tamil Nadu

Fort St. George, Chennai 600 009

2.The District Collector and District Magistrate

O/o.The District Collector and District Magistrate

Krishnagiri District

3.The Superintendent

Central Prison, Salem

Salem District

4.The Superintendent of Police

O/o.The Superintendent of Police

Krishnagiri District

5.The Inspector of Police

Krishnagiri Taluk Circle Police Station

Krishnagiri District

.. Respondents



H.C.P.No.932 of 2022

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records pertaining to the order of detention dated 06.05.2022 passed by the 2nd respondent bearing No. S.C.No.16/2022 and quash the same and produce the detenu Kumar, aged about 32 years, S/o.Thiru.Kaveriyappa before this Hon'ble Court and set him at liberty forthwith from Central Prison, Salem.

For Petitioner : Mr.R.Thirumoorthy
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu. The detenu viz., Kumar, aged 32 years, S/o. Kaveriyappa has been detained by the 2nd respondent, by his order dated 06.05.2022 in S.C.No.16/2022, 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 Nos.270 and 271 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 S.C.No.16/2022 dated 06.05.2022, passed by the 2nd respondent is set aside. The detenu viz., Kumar, aged 32 years, S/o. Kaveriyappa, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.] [N.A.V., J.]
06.12.2022

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Issue order copy by 07.12.2022



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P.N.PRAKASH, J.

AND

N.ANAND VENKATESH, J.

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To

1.The Secretary to Government (Home)
Prohibition & Excise Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The District Collector and District Magistrate
O/o.The District Collector and District Magistrate
Krishnagiri District

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4.The Superintendent
Central Prison, Salem
Salem District

5.The Superintendent of Police
O/o.The Superintendent of Police
Krishnagiri District

6.The Inspector of Police
Krishnagiri Taluk Circle Police Station
Krishnagiri District

7.The Public Prosecutor
High Court, Madras

06.12.2022