



WEB COPY



HCP No.926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.926 of 2022

Mariyammal

.. Petitioner

Vs.

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
Tambaram City.

3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai-66.

4.The Inspector of Police, L&O,
S-11, Tambaram Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus to call for the records in connection with

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the order of detention passed by the second respondent dated 25.04.2022 in Memo BCDFGISSSV No.59/2022 against the petitioner's son Chandran @ Chandru, male, aged 23 years, S/o.Kabali, who is confined at the Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner	:	Mr.S.Senthilvel
For Respondents	:	Mr.R.Muniyapparaj Addl. Public Prosecutor

ORDER

[Order of the Court was made by RMT.TEEKAA RAMAN, J.]

The petitioner is the mother of Chandran @ Chandru, male, aged about 23 years, son of Kabali, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.59 of 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 and we have also perused the records carefully.

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 fully 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.187 and 189 of the booklet, it is clear that the arrest intimation has not been fully 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 BCDFGISSSV No.59 of 2022 dated 25.04.2022, passed by the second respondent is set aside. The detenu, viz., Chandran @ Chandru, male, aged about 23 years, son of Kabali, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (TKRJ)
14.11.2022

Index: Yes/No
nvi/nsd



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To

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- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai-66.
- 4.The Inspector of Police, L&O,
S-11, Tambaram Police Station,
Chennai.
- 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.

nvi/nsd

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