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H.C.P.No.938 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.938 of 2022

S.Panjavarnam

Petitioner

v

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009
- 2 The Commissioner of Police
O/o.The Commissioner of Police
Detaining Authority
Tiruppur City
- 3 The Superintendent
Central Prison
Coimbatore
- 4 The Inspector of Police
Nallur Police Station
Tiruppur
Tiruppur District

Respondents

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



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detention order passed by the 2nd respondent in C.No.18/G/IS/TIRUPPUR CITY/2022 dated 22.03.2022 and quash the same, consequently direct the respondents to produce the body of the detenu Sugaprakash @ Mokka Prakash, aged about 23 years, S/o.Late Sundaraperumal, now lodged in the Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner Mr.W.Camyles Gandhi
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.*, Sugaprakash @ Mokka Prakash, aged about 23 years, S/o.Late Sundaraperumal, has been detained by the 2nd respondent, by his order dated 22.03.2022 in C.No.18/G/IS/TIRUPPUR CITY/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.49 and 50 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 C.No.18/G/IS/TIRUPPUR CITY/2022 dated 22.03.2022, passed by the 2nd respondent is set aside. The detenu viz., Sugaprakash @ Mokka Prakash, aged about 23 years, S/o.Late Sundaraperumal, 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.

gya

To

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3 The Commissioner of Police
O/o.The Commissioner of Police
Detaining Authority
Tiruppur City
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- 6 The Public Prosecutor
High Court, Madras

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