



WEB COPY



HCP No.935 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.935 of 2022

Abdul Abis
S/o.Abdul Sathar

... Petitioner

Vs.

1.State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Police,
Tambaram City, Chennai.

3.The Inspector of Police,
H-1 Otteri Police Station,
Chengalpattu District.

4.The Superintendent,
Central Prison, Puzhal, Chennai.

... Respondents

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



HCP No.935 of 2022

petitioner's son's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 21.04.2022 on the file of the second respondent herein made in proceedings BCDFGISSSV No.56/2022 and quash the same as illegal and consequently, direct the respondents herein to produce the said petitioner's son, namely, Mohammad Althaf (a) Appu s/o.Abdul Abis, aged 22 years, before this Court and set the petitioner's son at liberty from detention, who is now detained at Central Prison, Puzhal, Chennai – 600 066.

For Petitioner : Mr.C.C.Chellappan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner is the father of the detenu, Mohammad Althaf (a) Appu s/o.Abdul Abis, aged 22 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.56/2022 dated 21.04.2022, 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.



HCP No.935 of 2022

2. We have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though 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 pertaining to the ground case has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, 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.201 and 203 of the booklet, it is clear that the remand order pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



HCP No.935 of 2022

5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

6. The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No.935 of 2022

P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

gm

H.C.P.No.935 of 2022

31.10.2022