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HCP No.965 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

Coram

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

H.C.P.No.965 of 2022

M.Mahalakshmi
W/o.Muthukumar

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
represented by its Secretary to Government,
Department of Home, Prohibition and Excise,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Coimbatore District, Coimbatore.
- 3.The Superintendent of Police,
Coimbatore Rural, Coimbatore – 641 018.
- 4.The Superintendent of Prison,
Central Prison, Coimbatore.
- 5.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore.

... Respondents



HCP No.965 of 2022

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to directing the detaining authority to produce the husband of the petitioner the detenu herein viz. Muthukumar, son of Chinnasamy, aged 44 years, residing at D.No.23, Sengammal Colony, Sanganoor, Coimbatore North Taluk, Coimbatore District, presently confined at the Central Prison, Coimbatore, before this Court by calling for the records relating to the detention order dated 10.05.2022 made in Cr.M.P.No.16/G/2022/E1 of the second respondent herein and quash the same and set the detenu at liberty.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu Muthukumar, son of Chinnasamy, aged 44 years, has been detained by the second respondent by his order in Cr.M.P.No.16/G/2022/E1 dated 10.05.2022, 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.965 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 arrest intimation 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.25 and 26 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.



HCP No.965 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.16/G/2022/E1 dated 10.05.2022, passed by the second respondent is set aside. The detenu, viz., Muthukumar, son of Chinnasamy, aged 44 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
01.12.2022

Index: Yes/No
gm



HCP No.965 of 2022

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- 1.The Secretary to Government,
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- 4.The Superintendent of Prison,
Central Prison, Coimbatore.
- 5.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor,
High Court, Madras.



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HCP No.965 of 2022

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

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