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H.C.P.No.952 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.952 of 2022

Tattoo Dinesh @ Dineshkumar

Petitioner

v

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai 600 009
- 2 The District Magistrate and District Collector
Tiruppur District, Tiruppur
- 3 The Superintendent of Police
Tiruppur District, Tiruppur
- 4 The Superintendent of Prison
Central Prison - Coimbatore
Coimbatore District
- 5 The Inspector of Police
Perumanallur Police Station
Tiruppur District

Respondents



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Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the entire records relating to the petitioner's detention under Tamil Nadu Act 14 of 1982 *vide* detention order dated 10.05.2022 on the file of the 2nd respondent herein made in proceedings Memo Cr.M.P.No.23/Goonda/2022, quash the same as illegal and consequently direct the respondents herein to produce the petitioner *viz.*, Tatoo Dinesh @ Dineshkumar, aged about 24 years, S/o.Susidharan, before this Court and set the petitioner at liberty from detention, now the petitioner detained at Central Prison, Coimbatore.

For Petitioner Mr.W.Camyles Gandhi
For Respondents Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The detenu himself is the petitioner herein, who has been detained by the 2nd respondent, by his order dated 10.05.2022 in Cr.M.P.No.23/Goonda/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.88 and 89 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 Cr.M.P.No.23/Goonda/2022 dated 10.05.2022, passed by the 2nd respondent is set aside. The detenu viz., Tattoo Dinesh @ Dineshkumar, aged about 24 years, S/o.Susidharan, 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 District Magistrate and District Collector
Tiruppur District, Tiruppur
- 4 The Superintendent of Police
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- 7 The Public Prosecutor
High Court, Madras

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