



H.C.P.No.975 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.975 of 2022

P.Amutha

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
- 3 The Superintendent of Police
Tiruppur District
- 4 The Superintendent
Central Prison, Coimbatore
- 5 The Inspector of Police
Perumanallur Police Station
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 records pertaining to the order of



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detention passed by the 2nd respondent in his proceedings in Cr.M.P.No.26/GOONDA/2022, dated 10.05.2022 and quash the same as illegal and produce the detenu *viz.*, P.Saravanan, aged about 22 years, S/o.Paramasivam, now confined in the Central Prison, Coimbatore, Chennai, before this Court and set him at liberty.

For Petitioner Mr.C.Raja
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.*, P.Saravanan, aged about 22 years, S/o.Paramasivam, has been detained by the 2nd respondent, by his order dated 10.05.2022 in Cr.M.P.No.26/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.155 and 156 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.26/GOONDA/2022 dated 10.05.2022, passed by the 2nd respondent is set aside. The detenu viz., P.Saravanan, aged about 22 years, S/o.Paramasivam, 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
- 4 The Superintendent of Police
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- 5 The Superintendent
Central Prison, Coimbatore
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- 7 The Public Prosecutor
High Court, Madras

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