



WEB COPY



H.C.P.No.997 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.997 of 2022

Asha

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Ranipet District, Ranipet.
- 3.The Superintendent of Prison,
Central Prison,
Vellore.
- 4.The Superintendent of Police,
Arcot Taluk Police Station,
Ranipet District.
- 5.The Inspector of Police,
Arcot Taluk Police Station,
Ranipet District.

.. Respondents



H.C.P.No.997 of 2022

Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus calling for the entire records pertaining to the detention order passed by the second respondent in B3/D.O.No.14/2022 dated 29.04.2022 and set aside the same and direct the respondents to produce the petitioner's husband viz. Prabhu, S/o.Logan, aged about 29 years, who is confined in the Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.D.Parthiban

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the wife of the detenu Prabhu, S/o.Logan, aged about 29 years. The detenu has been detained by the second respondent by his order in B3/D.O.No.14/2022 dated 29.04.2022, 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.



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

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 fully translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this 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.10 and 11 of the booklet, it is clear that the arrest intimation has not been fully translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in B3/D.O.No.14/2022 dated 29.04.2022, passed by the second respondent is set aside. The detenu, viz. Prabhu, S/o.Logan, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
15.11.2022

Index: Yes/No
nsd



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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Ranipet District, Ranipet.
- 3.The Superintendent of Prison,
Central Prison,
Vellore.
- 4.The Superintendent of Police,
Arcot Taluk Police Station,
Ranipet District.
- 5.The Inspector of Police,
Arcot Taluk Police Station,
Ranipet District.
- 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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and
RMT.TEEKAA RAMAN, J.

nsd

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