



H.C.P.No.1038 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2022

Coram

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

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Janarthanan

.. Petitioner

Vs

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Police,
Avadi Police Commissionerate,
Avadi.
- 3.The Superintendent of Prison,
Office of the Superintendent of Prison,
Chennai Central Prison,
Puzhal.
- 4.The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai – 600 077.

.. Respondents

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



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proceedings of the second respondent in No.26/BCDFGISSSV/2022 dated 22.04.2022 against the petitioner's son Karthick @ Mittai Karthick, S/o.Janarthanan, aged about 24 years and quash the same and consequently direct the respondents herein to produce the detenu, who is detained under the Tamil Nadu Act 14/1982 currently confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.R.Rafi Babu

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

ORDER

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

The petitioner is the father of the detenu Karthick @ Mittai Karthick, S/o.Janarthanan, aged about 24 years. The detenu has been detained by the second respondent by his order in Memo No.26/BCDFGISSSV/2022 dated 22.04.2022, 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 properly 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 No.121 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.26/BCDFGISSSV/2022 dated 22.04.2022, passed by the second respondent is set aside. The detenu, viz., Karthick @ Mittai Karthick, S/o.Janarthanan, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
11.11.2022

Index: Yes/No
nsd



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To

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- 2.The Commissioner of Police,
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Avadi.
- 3.The Superintendent of Prison,
Office of the Superintendent of Prison,
Chennai Central Prison,
Puzhal.
- 4.The Inspector of Police,
T-5, Thiruverkadu Police Station,
Chennai – 600 077.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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and
RMT.TEEKAA RAMAN, J.

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