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H.C.P.No.1011 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1011 of 2022

Abarna

..... Petitioner

-Versus-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thiruvarur District.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Thiruvarur District.
- 4.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
- 5.The Inspector of Police,
Peralam Police Station,
Thiruvarur District.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the entire records connected with the detention order in C.O.C.No.10/2022 dated 20.05.2022 on the file of the respondent No.2 and quash the same and direct the respondents to produce the body and person of my husband viz., Mani @ Manikandan, S/o.Manoharan aged about 34 years now confined at Central Prison, Trichy before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the wife of the detenu viz., Mani @ Manikandan, S/o.Manoharan. The detenu has been detained by the second respondent by his order in C.O.C.No.10/2022 dated 20.05.2022, 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.



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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 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.16 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 C.O.C.No.10/2022 dated 20.05.2022 passed by the second respondent is set aside. The detenu viz., Mani @ Manikandan, S/o.Manoharan, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
19..12..2022

Index: Yes/No
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To

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5. The Inspector of Police,
Peralam Police Station,
Thiruvarur District.
6. The Public Prosecutor,
High Court, Madras.



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AND
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