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H.C.P.No.1040 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14..12..2022

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

The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1040 of 2022

Geetha
W/o Sankar

..... Petitioner

-Versus-

- 1.State of Taminadu Rep. by
The Secretary to Government,
Home, Prohibition and Excise Department,
Chennai 600009.
- 2.The District Collector and District Magistrate,
Krishnagiri District.
- 3.The Superintendent of Police,
Krishnagiri District.
- 4.The Superintendent,
Central Prison,
Krishnagiri District.
- 5.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records pertaining the detention order passed in S.C.No.15/2022 dated 02.05.2022 passed by the second respondent and to set aside the same and consequently, the respondents to produce the petitioner's husband by name Sankar, son of Venkatasamy, aged about 50 years, now confined in Central Prison, Salem , before this court and set him at liberty forthwith.

For Petitioner : Mr.A.Sakthivel

*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., Sankar. The detenu has been detained by the second respondent by his order in S.C.No.15/2022 dated 02.05.2022, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 Nos.99 & 100 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 S.C.No.15/2022 dated 02.05.2022 passed by the second respondent is set aside. The detenu viz.,Sankar, son of Venkatasamy, 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.)
14..12..2022

Index: Yes/No
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To

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- 1.The Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai 600009.
- 2.The District Collector and District Magistrate,
Krishnagiri District.
- 3.The Superintendent of Police,
Krishnagiri District.
- 4.The Superintendent,
Central Prison,
Krishnagiri District.
- 5.The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri 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
N.ANAND VENKATESH.J.,

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