



HCP No.1039 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

H.C.P.No.1039 of 2022

Gowri

W/o.Anandakumar @ Anand

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its
Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 9.
- 2.The District Magistrate and District Collector,
Office of the District Collector,
Erode.
- 3.The Superintendent of Police,
Central Prison, Coimbatore.
- 4.The Superintendent of Police,
Superintendent of Police Office,
Erode.
- 5.The Inspector of Police,
Erode Town Police Station,
Erode.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 22.04.2022 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.10/Drug Offender/2022/C1, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's husband, namely, Anandhakumar @ Anandh s/o.(Late) Dhanushkodi, aged 35 years, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.Deepanuday

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the wife of the detenu viz., Anandhakumar @ Anandh s/o.(Late) Dhanushkodi, aged 35 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.10/Drug Offender/2022/C1 dated 22.04.2022, holding him to be a "Drug Offender", as contemplated under Section 2(e) of the Tamil Nadu Act, 14/1982. 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 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 pertaining to the ground case has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, 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.96 and 98 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 Cr.M.P.No.10/Drug Offender/2022/C1 dated 22.04.2022 passed by the second respondent is set aside. The detenu, viz., Anandhakumar @ Anandh s/o.(Late) Dhanushkodi, aged 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [SM, J.]
21.11.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government, Home,
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Fort St.George, Chennai - 9.
- 2.The District Magistrate and District Collector,
Office of the District Collector,
Erode.
- 3.The Superintendent of Police,
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5.The Inspector of Police,
Erode Town Police Station,
Erode.

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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P.N.PRAKASH, J.
and
SUNDER MOHAN, J.

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