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H.C.P.No.1054 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14..12..2022

Coram

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

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

Habeas Corpus Petition No.1054 of 2022

Nalini
W/o Peter

..... Petitioner

-Versus-

- 1.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner of Police,
Tambaram City.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai-66.
- 4.The Inspector of Police,
S-11, Tambaram Police Station,
Chennai.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a
Writ of Habeas Corpus calling for the records in connection with the order

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of detention passed by the second respondent dated 12.05.2022 in Memo No.69/BCDFGISSSV/2022 against the petitioner's cousin viz., Karthik @ Thavith, male, aged 24 years, Son of Sathurak, and to set aside the same and consequently direct the respondents to produce the detenu, now confined at Central Prison-II, Puzal, Chennai, before the court and set him at liberty forthwith.

*For Petitioner : Mr.E.Kannadasan
for Mr.S.Senthilvel*

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

ORDER

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

The petitioner is the aunt of the detenu viz., Karthik @ Thavith Son of Sathurak. The detenu has been detained by the second respondent by his order in Memo No.69/BCDFGISSSV/2022 dated 12.05.2022, 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.

2. We have heard the learned counsel appearing for the petitioner and



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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.189 & 191 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.

In the result, the Habeas Corpus Petition is allowed and the order of



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detention in Memo No.69/BCDFGISSSV/2022 dated 12.05.2022 passed by the second respondent is set aside. The detenu viz., Karthik @ Thavith, Son of Sathurak, 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
kmk



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To

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2. The Commissioner of Police,
Tambaram City.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai-66.
4. The Inspector of Police,
S-11, Tambaram Police Station,
Chennai.
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
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