



HCP No.1078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.1078 of 2022

G.Shanthi
D/o.Gopal

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The District Collector and District Magistrate,
Office of the Collectorate,
Coimbatore.

3.The Superintendent of Police,
Coimbatore.

4.The Superintendent of Prison,
Central Prison, Coimbatore.

5.The Inspector of Police, (Crime)
Thudiyalur Police Station,
Coimbatore District.

... 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 records in detention order passed in Memo No.Cr.M.P.No.15/G/2022/E1 dated 09.05.2022 on the file of the second respondent herein and set aside the same and direct the respondents to produce the detenu viz., M.G.Raja S/o.Gopal Pillai, aged about 52 years, the detenu detained under Act 14 of 1982, herein now confined in Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.M.S.V.Purushothaman

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner is the brother of the detenu M.G.Raja S/o.Gopal Pillai, aged about 52 years, who has been detained by the second respondent by his order in Cr.M.P.No.15/G/2022/E1 dated 09.05.2022, 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 learned counsel for the petitioner and learned Additional Public Prosecutor 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 has not been fully 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.27 and 28 of the booklet, it is clear that the arrest intimation has not been fully 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.15/G/2022/E1 dated 09.05.2022, passed by the second respondent is set aside. The detenu, viz., M.G.Raja S/o.Gopal Pillai, aged about 52 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
02.12.2022

Index: Yes/No
gm



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To

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the Collectorate,
Coimbatore.
3. The Superintendent of Police,
Coimbatore.
4. The Superintendent of Prison,
Central Prison, Coimbatore.
5. The Inspector of Police, (Crime)
Thudiyalur Police Station,
Coimbatore 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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P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

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