



H.C.P.No.1053 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.1053 of 2022

Balakrishnan

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai 600009.
- 2.The State Rep. by:
The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai 600119.
- 3.The State Rep. by its
Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai 600 075.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

.... Respondents



H.C.P.No.1053 of 2022

WEB COPY

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in connection with a detention order dated 04.05.2022 passed by the 2nd respondent in the detention order BCDFGISSSV No.64/2022 passed under section 3(1) of Tamil Nadu ACT 14/1982 against petitioner's son Gnanamurthy and to set aside the same and consequently direct the respondents to produce petitioner's son detenu Gnanamurthy, aged 39 years, now confined in the Central Prison Puzhal before this court and set him at his liberty forthwith.

For Petitioner : Mr.G.Narayanan

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

ORDER

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

The petitioner is the father of the detenu viz., Gnanamurthy. The detenu has been detained by the second respondent by his order in Memo BCDFGISSSV No.64/2022 dated 04.05.2022, 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.



WEB COPY



H.C.P.No.1053 of 2022

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.126 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.



WEB COPY

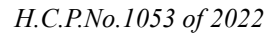


H.C.P.No.1053 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.64/2022 dated 04..05.2022 passed by the second respondent is set aside. The detenu viz., Gnanamurthy, 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



To

1. The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai 600009.
2. The State Rep. by:
The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur, Chennai 600119.
3. The State Rep. by its
Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai 600 075.
4. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
6. The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.1053 of 2022

P.N.PRAKASH.J.,
AND
N.ANAND VENKATESH.J.,

kmk

H.C.P.No.1053 of 2022

14..12..2022

Page 6 of 6