



WEB COPY



HCP No.1058 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1058 of 2022

Geetha

W/o.Anandhan @ Spick Anandhan

... Petitioner

Vs.

1.Government of Tamil Nadu,
represented by its Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Vellore District.

3.The Superintendent of Police,
Vellore District.

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

5.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
Crime No.99 of 2022

... 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 C3/D.O.No.65/2022 dated 23.05.2022 on the file of the second respondent and quash the same and direct the respondents herein to produce the petitioner's husband Anandhan @ Spick Anandhan S/o.Muniyappan, aged 24 years, who is now confined in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Anandhan @ Spick Anandhan S/o.Muniyappan, aged 24 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.65/2022 dated 23.05.2022, 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 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.88 and 89 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 C3/D.O.No.65/2022 dated 23.05.2022, passed by the second respondent is set aside. The detenu, viz., Anandhan @ Spick Anandhan S/o.Muniyappan, aged 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
20.12.2022

Index: Yes/No
gm

To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Vellore District.
- 3.The Superintendent of Police,
Vellore District.
- 4.The Superintendent of Prison,
Central Prison, Vellore.
- 5.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.



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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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