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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND

THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1087 OF 2021

N.Parthasarathy

.. Petitioner

Vs.

1. The Home Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. State represented by
The Commissioner of Police,
Chennai - 600 007.
3. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai.
4. The Superintendent of Prison,
Puzhal, Central Prison,
Puzhal,
Chennai - 600 066.

.. 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 of detention passed by the 2nd respondent dated 26.06.2021 in detention order BCDFGISSSV No.176 of 2021, the detenu viz., Manikandan @ C.D.Mani, 39 years, who is confined at the Central Prison, Puzhal and set aside the same and consequently, direct the respondents to produce the detenu before this Court and set him at liberty.



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For Petitioner : Mr.S.Prabakaran
Senior Counsel for
Mr.R.Karthik
For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

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

The petitioner is the father of the detenu Manikandan @ C.D.Mani, 39 years, S/o.Parthasarathy. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.176 of 2021 dated 26.06.2021, 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 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 his argument on the ground that the arrest intimation has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.102 and 103 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 detention in BCDFGISSSV No.176 of 2021 dated 26.06.2021, passed by the second respondent is set aside. The detenu, viz., Manikandan @ C.D.Mani, 39 years, S/o.Parthasarathy,



is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Home Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Chennai - 600 007.
3. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai.
4. The Superintendent of Prison,
Puzhal, Central Prison,
Puzhal,
Chennai - 600 066.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1087 of 2021

EV(CO)
RLP(11/01/2022)