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H.C.P.No.1076 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..12..2022

Coram

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

Habeas Corpus Petition No.1076 of 2022

Anbunithi

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai-9.
- 2.The District Magistrate and District Collector,  
Office of the District Collector,  
Tiruppur District.
- 3.The Superintendent of Prison,  
Central Prison, Coimbatore.
- 4.The Superintendent of Police,  
Superintendent of Police Office,  
Tiruppur.
- 5.The Inspector of Police,  
Perumanallur Police Station,  
Tiruppur District.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to detention order detaining the petitioner's son under Tamil Nadu Act 14 of 1982 vide detention order dated 10.05.2022 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.25/Goonda/2022 and to quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Muthukumar S/o. Balamurugan aged 29 years, before this court and set the petitioner's son, now confined in Central Prison, Coimbatore, at liberty from detention.

*For Petitioner : Mr.Deepan Uday*

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

### **ORDER**

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

The petitioner is the mother of the detenu viz., Muthukumar. The detenu has been detained by the second respondent by his order in Cr.M.P.No.25/GOONDA/2022 dated 10.05.2022 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 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.77 & 79 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.



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**In the result,** the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.25/GOONDA/2022 dated 10.05.2022 passed by the second respondent is set aside. The detenu viz., Muthukumar, aged 29 years, Son of Balamurugan, 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.)  
13..12..2022

Index: Yes/No  
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To

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4. The Superintendent of Police,  
Superintendent of Police Office,  
Tiruppur.
5. The Inspector of Police,  
Perumanallur Police Station,  
Tiruppur 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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