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H.C.P.No.1062 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

H.C.P.No.1062 of 2022

Vasanthi

Petitioner

v

- 1 The State of Tamil Nadu
represented by its Secretary to Government
Home, Prohibition and Excise Department
Fort St. George
Chennai 600 009
- 2 The Commissioner of Police
Salem City
Salem District
- 3 The Superintendent
Central Prison
Salem 636 007
- 4 The Inspector of Police
Salem Town Police Station
Salem District (Cr. No.43/2022)

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS calling for the entire records leading to the



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detention of the petitioner's son the detenu Manikandan, aged 32 years, S/o.Palaniyappan, Andypatty, Panankadu, Sivadapuram, Salem City, presently detained in the Central Prison, Salem, under Act 14/1982, branded as Goonda *vide* the detention order dated 04.05.2022 in C.M.P.No.39/Goonda/Salem City/2022, on the file of the second respondent directing to produce the person or body of the detenu Manikandan, aged 32 years, S/o.Palaniappan, before this Court and thereafter, set him at liberty from the Central Prison, Salem, by setting aside the detention order.

For petitioner	Mr.B.Vasudevan
For respondents	Mr.R.Muniyapparaj Additional Public Prosecutor

ORDER

[Made by N.ANAND VENKATESH, J.]

The petitioner is the mother of the detenu *viz.*, Manikandan, aged 32 years, S/o.Palaniyappan. The detenu has been detained by the 2nd respondent by his order dated 04.05.2022 in C.M.P.No.39/Goonda/Salem City/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.

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.



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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. This deprived the detenu from making effective representation. Therefore, on this sole 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.32 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 C.M.P.No.39/Goonda/Salem City/2022 dated 04.05.2022, passed by the 2nd respondent is set aside. The detenu viz., Manikandan, aged 32 years, S/o.Palaniyappan, is directed to be released forthwith, unless his detention is required in connection with any other case.

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Issue order copy by 16.12.2022

[P.N.P., J.] [N.A.V., J.]

15.12.2022



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P.N.PRAKASH, J.

AND

N. ANAND VENKATESH, J.

gya

To

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

2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3 The Commissioner of Police
Salem City
Salem District

H.C.P. No.1062 of 2022

4 The Superintendent
Central Prison
Salem

5 The Inspector of Police
Salem Town Police Station
Salem District (Cr. No.43/2022)

6 The Public Prosecutor
High Court, Madras

15.12.2022