



WEB COPY



H.C.P.No.1113 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.1113 of 2022

Jayanthi

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort ST. George, Chennai.
- 2.The District Collector and District Magistrate,
Thiruvannamalai District.
- 3.The Superintendent of Police,
Thiruvannamalai District.
- 4.The Superintendent,
Central Prison, Vellore District.
- 5.The Inspector of Police,
Santhavasal Police Station,
Thiruvannamalai 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 the impugned order D.O.No.41/2022-C2 dated 27.04.2022 on the file of the 2nd respondent herein and to set aside the same as illegal and consequently direct the respondents to produce the detenu, viz., Shankar, son of Duraisami, aged about 25 years now confined at Central Prison Vellore before this court set him at liberty and pass such further or other orders as this court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.C.Vinodh Kumar

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

ORDER

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

The petitioner is the wife of the detenu viz., Sankar. The detenu has been detained by the second respondent by his order in D.O.No.41/2022-C2 dated 27.04.2022 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 No.19 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 D.O.No.41/2022-C2 dated 27.04.2022 passed by the second respondent is set aside. The detenu viz., Sankar, aged 25 years, Son of Duraisami, 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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3. The Superintendent of Police,
Thiruvannamalai District.
4. The Superintendent,
Central Prison, Vellore District.
5. The Inspector of Police,
Santhavasal Police Station,
Thiruvannamalai 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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