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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.1117 of 2021

Vennila

..Petitioner

Vs.

1. State of Tamil Nadu represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 7.
3. The Superintendent of Police,
Central Prison-Puzhal II,
Puzhal, Chennai.
4. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in Memo No.178/BCDFGISSSV/2021 passed by the 2nd respondent on 02.07.2021, on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondent to produce the petitioner's husband Karnan @ Karna, son of Sadhasivam, aged about 26 years, before this Court, who now detained in the Central Prison, Puzhal-II and set him at liberty.



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For Petitioner : Mr.A.Elumalai

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu Karnan @ Karna, son of Sadhasivam, aged about 26 years. The detenu has been detained by the second respondent by his order in Memo No.178/BCDFGISSSV/2021 dated 02.07.2021, 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.427 to 429 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 Memo No.178/BCDFGISSSV/2021 dated 02.07.2021, passed by the second respondent is set aside. The detenu, viz., Karnan @ Karna, son of Sadhasivam, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 7.
- 3.The Superintendent of Police,
Central Prison-Puzhal II,
Puzhal, Chennai.
- 4.The Inspector of Police,
E-1, Mylapore Police Station,
Chennai.
- 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.1117 of 2021

EV (CO)
PR (19/01/2022)