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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.1112 OF 2021

Sakthivel

.. Petitioner

Vs.

1. The State of Tamil Nadu represented by its Secretary to Government, (Home), Prohibition and Excise Department, Secretariat, Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate, Chengalpattu District, Chengalpattu.
3. The Superintendent of Police, Central Prison, Puzhal, Chennai.
4. The Deputy Superintendent of Police, Vandalore Sub-Division, Chengalpattu District.
5. The Inspector of Police, Maraimalai Nagar Police Station, Chengalpattu.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records pertaining to the order of detention passed in B.C.D.F.G.I.S.S.S.V.No.26/2021 dated 29.06.2021 passed by the 2nd respondent and set aside the same and directing the respondents to produce the detenu by name Sakthivel, son of Shanmugaraj, aged about 25 years before this Court, now confined in Central Prison, Puzhal and set him at liberty.



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For Petitioner : Mr.G.Mohana Krishnan
for Mr.K.Thenrajan
For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor

ORDER

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

The detenu - Sakthivel, son of Shanmugaraj, aged about 25 years is the petitioner. The detenu has been detained by the second respondent by its order dated 29.06.2021 in B.C.D.F.G.I.S.S.S.V.No.26/2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 and we have also perused the records carefully.

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 extension of interim orders in suo motu W.P.No.11993 of 2021 has not been 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.269 to 277 of the booklet, it is clear that the extension of interim orders in suo motu W.P.No.11993 of 2021 has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.26/2021 dated 29.06.2021, passed by the second respondent is set aside. The detenu, viz., Sakthivel, son of Shanmugaraj, aged about 25 years, is directed to be released forthwith unless his detention



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is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government, (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
3. The Superintendent of Police,
Central Prison, Puzhal, Chennai.
4. The Deputy Superintendent of Police,
Vandalore Sub-Division,
Chengalpattu District.
5. The Inspector of Police,
Maraimalai Nagar Police Station,
Chengalpattu.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1112 of 2021

RSI (CO)
RLP (25/03/2022)