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H.C.P.No.1109 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.1109 of 2022

M.Pushpa

Petitioner

v

- 1 The State of Tamil Nadu
represented by its Secretary to Government
Prohibition and Excise Department
Fort St. George
Chennai 600 009
- 2 The Commissioner of Police
Salem City
Salem District
- 3 The Inspector of Police
Ammamet Police Station
Salem District
- 4 The Superintendent of Prison
Central Prison
Salem District

Respondents

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



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order in C.M.P.No.22/Goonda/Salem City/2022 dated 06.04.2022 on the file of the 2nd respondent herein and set aside the same and direct the respondents herein to produce the petitioner's son Pallumani @ Manikandan @ Gunaseelan, aged 27 years, S/o.Murugesan, now confined in the Central Prison, Salem, before this Court and set him at liberty.

For petitioner Mr.Charles Kamalesh M.Appaji
For respondents Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by N.ANAND VENKATESH, J.]

The petitioner is the mother of the detenu *viz.*, Pallumani @ Manikandan @ Gunaseelan, aged 27 years, S/o.Murugesan. The detenu has been detained by the 2nd respondent by his order dated 06.04.2022 in C.M.P.No.22/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.162 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.22/Goonda/Salem City/2022 dated 06.04.2022, passed by the 2nd respondent is set aside. The detenu viz., Pallumani @ Manikandan @ Gunaseelan, aged 27 years, S/o.Murugesan, 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
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
- 4 The Superintendent of Prison
Central Prison
Salem District
- 5 The Inspector of Police
Ammamet Police Station
Salem District
- 6 The Public Prosecutor
High Court, Madras

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