



WEB COPY



Order dated : 18.10.2022

HCP No.1120 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.1120 of 2022

Megala

W/o.Naresh

... Petitioner

Vs.

1.State of Tamil Nadu
represented by the
Principal Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.

2.The District Collector and District Magistrate,
(Authorised Officer),
Vellore District.

3.The Superintendent of Police,
Vellore District, Vellore.

4.The Chief Superintendent of Jail,
Vellore Central Prison,
Vellore, Vellore District.

5.The Inspector of Police,
Pernambut Police Station,
Vellore District.

... Respondents



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HCP No.1120 of 2022

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records of the second respondent in relation to impugned detention order made in C3/D.O.No.36/2022 dated 12.04.2022 and set aside the same and consequently, direct the respondents to produce the body of her husband, namely, Naresh s/o.John, aged about 35 years, presently detained in Central Prison, Vellore, Vellore District and set him at liberty.

For Petitioner : Mr.M.R.Thangavel
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner is the wife of the detenu, Naresh s/o.John, aged about 35 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.36/2022 dated 12.04.2022, holding him to be a "Bootlegger", as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



Order dated : 18.10.2022

HCP No.1120 of 2022

WEB COPY

2. We have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though 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 pertaining to the ground case has not been fully translated in vernacular language. 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.69 and 70 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



Order dated : 18.10.2022

HCP No.1120 of 2022

WEB COPY

In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.36/2022 dated 12.04.2022, passed by the second respondent is set aside. The detenu, viz., Naresh s/o.John, aged about 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
18.10.2022

Index: Yes/No

gm

To

- 1.The Principal Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
(Authorised Officer),
Vellore District.
- 3.The Superintendent of Police,
Vellore District, Vellore.
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Order dated : 18.10.2022

HCP No.1120 of 2022

WEB COPY

- 5.The Inspector of Police,
Pernambut Police Station,
Vellore 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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