



WEB COPY



HCP No.1119 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1119 of 2022

Fathima
W/o.Ravi @ Ramesh

... Petitioner

Vs.

- 1.The State represented by its
The Additional Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George, Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai.
- 3.The Superintendent of Prison,
Central Prison at Puzhal,
Chennai - 600 066.
- 4.The Inspector of Police,
S-7, Madippakkam Police Station,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus calling for the records in Detention Order in



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BCDFGISSSV No.137/2022 dated 02.06.2022 on the file of the second respondent and set aside the same and direct the respondents herein to produce the body of the petitioner's husband/detenu, namely, Ravi @ Ramesh S/o.Arumugam, aged about 39 years, now confined in Central Prison at Puzhal, before this Court and set him at liberty.

For Petitioner : Ms.R.Subadra Devi

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Ravi @ Ramesh S/o.Arumugam, aged about 39 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.137/2022 dated 02.06.2022, 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 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 seizure mahazar pertaining to the ground case has not been properly 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 No.100 of the booklet, it is clear that the seizure mahazar pertaining to the ground case 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 BCDFGISSSV No.137/2022 dated 02.06.2022, passed by the second respondent is set aside. The detenu, viz., Ravi @ Ramesh S/o.Arumugam, aged about 39 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
23.12.2022

Index: Yes/No
gm

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
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- 2.The Commissioner of Police,
Office of the Commissioner of Police,
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5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

6. The Public Prosecutor,
High Court, Madras.



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and
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