



H.C.P.No.1145 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and

The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Habeas Corpus Petition No.1145 of 2022

P.Periamma

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Rep. by is Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600009.
- 2.The Commissioner of Police,
Salem City, Salem District.
- 3.The Superintendent of Central Prison,
Salem 636007.
- 4.The Inspector of Police,
Hasthampatty Police Station,
Salem District.
(Crime No.339 of 2021)

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the order of detention of the petitioner's son vide detention order dated 06.12.2021 in



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C.M.P.No.122/Goonda/Salem City/2021 on the file of the 2nd respondent and directing the respondents to produce the detenu Kaviarasan @ Kavi, male, aged 25 years, son of Palanisamy, now detained at Central Prison, Salem by setting aside the above said order of detention and set him at liberty.

For Petitioner : Mr.B.Vasudevan

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

The petitioner is the mother of the detenu viz.,Kaviarasan @ Kavi. The detenu has been detained by the second respondent by his order in C.M.P.No.122/Goonda/Salem City/2021 dated 06.12.2021, 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 on the



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ground that the arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this 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.210 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.122/Goonda/Salem City/2021 dated 06.12.2021, passed by the second respondent is set aside. The detenu viz., Kaviarasan @ Kavi, Son of Palanisamy, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)
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Index: Yes/No
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To
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Salem 636007.
- 4.The Inspector of Police,
Hasthampatty Police Station,
Salem District.
- 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
RMT.TEEKAA RAMAN.J.,

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