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HCP No.1194 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.1194 of 2022

Annamallai
S/o.Vedhachalam

... Petitioner

Vs.

State represented by

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Avadi City.

3.The Superintendent,
Central Prison, Puzhal -II,
Chennai.

4.The Inspector of Police (L&O),
T-3 Korattur Police Station,
Chennai.

... Respondents



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Writ 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 dated 20.04.2022 passed by the second respondent in No.22/BCDFGISSSV/2022 and quash the same as illegal and direct the respondents to produce the detenu Senthil Kumar S/o.Annamalai, aged 37 years, quash the same as illegal and direct the second respondent to produce the detenu Senthil Kumar S/o.Annamallai, aged about 37 years, before this Court and set him at liberty and the detenu now confined in Central Prison-II, Puzhal, Chennai.

For Petitioner : Mr.S.Senthil Kumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, Senthil Kumar S/o.Annamalai, aged 37 years. The detenu has been detained by the second respondent by his order in No.22/BCDFGISSSV/2022 dated 20.04.2022, 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 arrest intimation 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 Nos.313 and 315 of the booklet, it is clear that the arrest intimation 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 No.22/BCDFGISSSV/2022 dated 20.04.2022, passed by the second respondent is set aside. The detenu, viz., Senthil Kumar S/o.Annamalai, aged 37 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 Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police,
Avadi City.
- 3.The Superintendent,
Central Prison, Puzhal -II,
Chennai.
- 4.The Inspector of Police (L&O),
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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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