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H.C.P.NO.1193 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Habeas Corpus Petition No.1193 of 2022

Lakshmi

..... Petitioner

-Versus-

- 1.The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Chennai 600009.
- 2.The Commissioner of Police,
Tambaram City, Office of the Commissioner of Police,
Sholinganallur, Chennai 600119.
- 3.The Inspector of Police,
S-11, Tambaram Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai 600066.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the entire records connected with the order of the 2nd respondent herein in BCDFGISSSV.No.62/2022 Dated



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30.04.2022 passed against the petitioners son the detenu, namely, NISHANTH, Son of Mani, aged 22 years, now confined at Central Prison Puzhal and set aside the same and to consequently direct the respondents herein to produce the body and person of the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.D.Magesh

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

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the mother of the detenu viz., viz., Nishanth, aged 22 years, Son of Mani. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.62/2022 dated 30.04.2022 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.

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 Nos.491 – 493 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 BCDFGISSSV.No.62/2022 Dated 30.04.2022 passed by the second respondent is set aside. The detenu viz., viz., Nishanth, male, aged 22 years, Son of Mani, 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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Chennai.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai 600066.
- 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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