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H.C.P.No.1197 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04..11..2022

Coram

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

H.C.P.No.1197 of 2022

R.Velmani

..... Petitioner

-Versus-

- 1.The State Rep. by its
Secretary, Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
- 2.The Commissioner of Police,
Salem City, Office of the Commissioner of Police,
Linemedu, Salem 636006.
- 3.The Superintendent,
Central Prison, Salem District.
- 4.The State, Rep. by its
Inspector of Police,
Sooramangalam Police Station,
Salem District.

.... 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 detention



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order passed under Tamil Nadu Act 14 of 1982 *vide* detention order dated 19.04.2022 on the file of the second respondent herein made in C.M.P.No.28/GOONDA/Salem City/2022, quash the same as illegal and consequently direct the respondents herein to produce the detenu viz., Manivel, male, aged 27 years, Son of Ravi, now, detained at Central Prison, Salem, before this Court and set the petitioner at liberty.

For Petitioner : Mr.Arun G.

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

ORDER

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

The petitioner is the brother of the detenu viz., viz., Manivel, male, aged 27 years, Son of Ravi. The detenu has been detained by the second respondent by his order in C.M.P.No.28/GOONDA/Salem City/2022 dated 19.04.2022 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



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other grounds to assail the order of detention, he has mainly focused on the ground that the remand order 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.65 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.28/GOONDA/Salem City/2022 dated 19.04.2022 passed by the second respondent is set aside. The detenu viz., viz., Manivel, male, aged 27 years, Son of Ravi, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)
04..11..2022

Index: Yes/No
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3. The Superintendent,
Central Prison, Salem District.
4. The State, Rep. by its
Inspector of Police,
Sooramangalam 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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**P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,**

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