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H.C.P.No.1206 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06..12..2022

Coram

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

The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1206 of 2022

Ravi

..... Petitioner

-Versus-

- 1.The State of Tamilnadu,
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Tiruvarur District, Tiruvarur.
- 3.The Superintendent of Police,
Tiruvarur District, Tiruvarur.
- 4.The Inspector of Police,
Arivalam Police Station,
Tiruvarur.
- 5.The Superintendent of Prison,
Tiruchirappalli.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to the detention order dated 09.05.2022 passed by the second respondent in C.O.C.No.08/2022 detaining Muthu @ Pallumuthu, Son of Ravi, the petitioner herein, under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda, and to quash the same and consequently direct the respondents herein to produce the petitioner's son , now, confined in Central Prison, Tiruchirappalli, before this court and set him at liberty.

For Petitioner : Mr.O.S.Thilak Pasumbadiyar

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

ORDER

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

The petitioner is the father of the detenu viz., Muthu @ Pallumuthu, aged 25 years. The detenu has been detained by the second respondent by his order in C.O.C.No.08/2022 dated 09.05.2022 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 the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused on the 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.117 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in C.O.C.No.08/2022 dated 09.05.2022 passed by the second respondent is set aside. The detenu viz., Muthu @ Pallumuthu, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
06..12..2022

Index: Yes/No
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Tiruvarur District, Tiruvarur.
4. The Inspector of Police,
Arivalam Police Station,
Tiruvarur.
5. The Superintendent of Prison,
Tiruchirapalli.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
7. The Public Prosecutor,
High Court, Madras.



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