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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1236 OF 2021

Premkumar

... Petitioner

.Vs.

1. The State of Tamil Nadu represented by
The Secretary to Government [Home],
Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Tiruppur City,
Tiruppur District.
3. The Superintendent of Prison,
Central Prison,
Coimbatore,
Coimbatore District.
4. The Inspector of Police,
Central Crime Branch,
Tiruppur City.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records of the 2nd respondent in his proceedings C.No.20/G/IS/Tiruppur City/2021, dated 28.04.2021 to quash the same and consequently direct the respondents to produce the detenu Premkumar, S/o.Manoharan, aged 36 years, before this Court now confined in the Central Prison, Coimbatore and set the detenu at liberty forthwith.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

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

WEB COPY The petitioner is the detenu Premkumar, S/o.Manoharan, aged 36 years. The detenu has been detained by the second respondent by his order in C.No.20/G/IS/Tiruppur City/2021 dated 28.04.2021, 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 his argument on the ground that the remand order has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.77 & 78 of the booklet, it is clear that the remand order 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.No.20/G/IS/Tiruppur City/2021 dated 28.04.2021, passed by the second respondent is set aside. The detenu, viz., Premkumar, S/o.Manoharan, aged 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Secretary to Government [Home],
Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Tiruppur City,
Tiruppur District.
3. The Superintendent of Prison,
Central Prison,
Coimbatore,
Coimbatore District.
4. The Inspector of Police,
Central Crime Branch,
Tiruppur City.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.NO.1236 OF 2021

KSM(CO)
PBS/06/01/2022