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H.C.P.No.1285 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14..12..2022

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

Habeas Corpus Petition No.1285 of 2022

Kalarani,
W/o Pitchandi

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu,
Represented by Secretary to Government,
Prohibition & Excise Department,
Fort St. George, Chennai 600 009.
- 2.The Commissioner of Police,
Greater Chennai, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4.The Inspector of Police,
R-6, Kumaran Nagar Police Station,
Chennai.

.... 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 28.03.2022 passed by the 2nd respondent in the proceedings in D.O.45/BCDFGISSV/2022 in T.P.D.A.3101 and to quash the same and consequently direct the respondents herein to produce the petitioner's husband, viz., Pitchandi, aged about 61 years, S/o Ramamoorthy, now detained at Central Prison Puzhal Chennai, before this court and set him at liberty forthwith.

For Petitioner : Mr.C.Prabakaran

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

ORDER

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

The petitioner is the husband of the detenu viz., Pitchandi Son of Ramamoorthy. The detenu has been detained by the second respondent by his proceedings in D.O.45/BCDFGISSV/2022 dated 28.03.2022 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 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 Nos.479 & 481 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 D.O.45/BCDFGISSV/2022 dated 28.03.2022 passed by the



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second respondent is set aside. The detenu viz., Pitchandi, 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.)
14..12..2022

Index: Yes/No
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To

- 1.The State of Tamil Nadu,
Represented by Secretary to Government,
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- 2.The Commissioner of Police,
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- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4.The Inspector of Police,
R-6, Kumaran Nagar Police Station, Chennai.
- 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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