



WEB COPY



H.C.P.No.1380 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

Coram

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

H.C.P.No.1380 of 2022

Sangeetha

.. Petitioner

Vs

1.State of Tamil Nadu represented by
the Secretary,
Prohibition & Excise Department,
Fort St. George,
Chennai 600 009.

2.The District Collector and District Magistrate,
Coimbatore District.

3.The Inspector of Police,
Annur Police Station,
Coimbatore District.

4.The Superintendent of Police,
Coimbatore District.

5.The Superintendent of Prison,
Central Prison,
Coimbatore District.

.. 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 entire records relating to the impugned order of detention passed by the second respondent in Cr.M.P.No.12/G/2022/E1 dated 12.04.2022 and quash the same and consequently direct the respondents to produce the detenu Ranganathan, aged 33 years, S/o.Thangavel, now confined at the Central Prison, Coimbatore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Parthasarathy

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

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the wife of the detenu Ranganathan, aged 33 years, S/o.Thangavel. The detenu has been detained by the second respondent by his order in Cr.M.P.No.12/G/2022/E1 dated 12.04.2022, 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.



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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 his argument 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 Nos.74 and 75 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 Cr.M.P.No.12/G/2022/E1 dated 12.04.2022, passed by the second respondent is set aside. The detenu viz., Ranganathan, aged 33 years, S/o.Thangavel, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
08.11.2022

Index: Yes/No
nsd



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To

- 1.The Secretary,
Prohibition & Excise Department,
Fort St. George,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Coimbatore District.
- 3.The Inspector of Police,
Annur Police Station,
Coimbatore District.
- 4.The Superintendent of Police,
Coimbatore District.
- 5.The Superintendent of Prison,
Central Prison,
Coimbatore District.
- 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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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

nsd

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