



H.C.P.No.1393 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 20..12..2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P.No.1393 of 2022

Pushpavalli

... Petitioner

Vs.

1. The Secretary to Government,
Home Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
2. The Commissioner of Police/Detaining Authority,
Tiruppur City,
Tiruppur District.
3. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
4. State rep. by its
The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to



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issue a writ of Habeas Corpus calling for the entire records, relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 10.05.2022 on the file of the second respondent herein made in proceedings Memo C.No.36/G/IS/Tiruppur City/2022, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Prasanth, S/o.(Late) Ramar, aged 22 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Gamyles Gandhi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Prasanth, S/o.(Late) Ramar. The detenu has been detained by the second respondent by his order in Memo C.No.36/G/IS/Tiruppur City/2022, dated 10.05.2022, 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 Nos.135 & 136 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.No.36/G/IS/Tiruppur City/2022, dated 10.05.2022 passed by



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the second respondent is set aside. The detenu viz., Prasanth, S/o.(Late) Ramar, 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.)
20..12..2022

Index: Yes/No
kmk

To

- 1.The Secretary to Government, Home Prohibition and Excise Department, Secretariat, Fort St. George, Chennai – 600 009.
2. The Commissioner of Police/Detaining Authority, Tiruppur City, Tiruppur District.
3. The Superintendent of Prison, Central Prison, Coimbatore, Coimbatore District.
4. The Inspector of Police, Veerapandi Police Station, Tiruppur 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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