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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.1405 OF 2021

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...Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai-9.
- 2.The District Collector and District Magistrate,
Thiruvallur, Ranipet District.
- 3.The Superintendent,
(Central Prison)-II,
Puzhal, Chennai - 600 066.
- 4.The Superintendent of Police,
Thiruvallur District.
- 5.State represented by
The Inspector of Police,
Thiruttai Police Station,
Thiruvallur District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in B.C.D.F.G.I.S.S.S.V.No.92/2021 dated 05.08.2021 on the file of the 2nd respondent and quash the same as illegal and thereby direct the respondents to produce the detenu viz., Kumar @ Kokki Kumar, S/o.Murugan, Hindu, aged about 24 years, before this Court, who is now detained in the Central Prison-II, Puzhal and set him at liberty.

For Petitioner : Mr.M.Rajinikanth

For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor



ORDER

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

WEB COPY The petitioner is the wife of the detenu Kumar @ Kokki Kumar, S/o.Murugan, Hindu, aged about 24 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.92/2021 dated 05.08.2021, 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 extension 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.99 and 100 of the booklet, it is clear that the remand extension 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 B.C.D.F.G.I.S.S.S.V.No.92/2021 dated 05.08.2021, passed by the second respondent is set aside. The detenu, viz., Kumar @ Kokki Kumar, S/o.Murugan, Hindu, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

nsd



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.
2. The District Collector and District Magistrate,
Thiruvallur, Ranipet District.
3. The Superintendent,
(Central Prison)-II,
Puzhal, Chennai - 600 066.
4. The Superintendent of Police,
Thiruvallur District.
5. State represented by
The Inspector of Police,
Thiruttai Police Station,
Thiruvallur 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.

H.C.P.No.1405 of 2021

SPD(CO)
RVM(02/05/2022)