



H.C.P.No.1440 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

H.C.P.No.1440 of 2022

Santhiya

Petitioner

v

- 1 State of Tamil Nadu
Rep. by the Secretary
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009
- 2 The Commissioner of Police
Greater Chennai
O/o.The Commissioner of Police (Goondas Section)
Vepery, Chennai 600 007
- 3 The Superintendent of Prison
Central Prison, Puzhal
Chennai District
- 4 The Inspector of Police
J-7 Velachery Police Station
Chennai

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS calling for the records relating to the detention



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order in Memo No.BCDFGISSSV No.126/2022 dated 23.05.2022 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband, viz. Manikandan @ E.B.Mani, aged 33 years, S/o.Nagappan, who is presently undergoing detention in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner Mr.D.Prasanna
For Respondents Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by N.ANAND VENKATESH, J.]

The petitioner is the wife of the detenu viz., Manikandan @ E.B.Mani, aged 33 years, S/o.Nagappan. The detenu has been detained by the 2nd respondent by his order dated 23.05.2022 in BCDFGISSSV No.126/2022, 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.

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.



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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. This deprived the detenu from making effective representation. Therefore, on this sole 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.107 and 108 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 BCDFGISSSV No.126/2022 dated 23.05.2022, passed by the 2nd respondent is set aside. The detenu *viz.*, Manikandan @ E.B.Mani, aged 33 years, S/o.Nagappan, is directed to be released forthwith, unless his detention is required in connection with any other case.

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Issue order copy by 22.12.2022

[P.N.P., J.] [N.A.V., J.]
21.12.2022



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P.N.PRAKASH, J.

AND

N. ANAND VENKATESH, J.

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To

- 1 The Secretary
Home, Prohibition and Excise Department
Fort St. George, Chennai 600 009
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3 The Commissioner of Police
Greater Chennai
O/o.The Commissioner of Police (Goondas Section)
Vepery, Chennai 600 007
- 4 The Superintendent of Prison
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- 6 The Public Prosecutor
High Court, Madras

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