



H.C.P.No.1468 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**

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Luvi

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
the Additional Chief Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George,
Chennai 600 009.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai – 600 007.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai – 600 066.
- 4.The Inspector of Police,
J-6, Thiruvanmiyur 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 in BCDFGISSSV No.10/2022 dated 24.01.2022 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 nephew Gopi, S/o.Rajan, aged about 31 years, the detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's nephew Gopi, S/o.Rajan, aged about 31 years, the detenu herein, at liberty.

For Petitioner : Mr.S.Senthilvel
for Mr.D.Gopikrishnan
For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

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

The petitioner is the uncle of the detenu Gopi, S/o.Rajan, aged about 31 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.10/2022 dated 24.01.2022, holding him to be a "Goonda", as contemplated under



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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 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.261 and 263 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 BCDFGISSSV No.10/2022 dated 24.01.2022, passed by the second respondent is set aside. The detenu viz., Gopi, S/o.Rajan, aged about 31 years, 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

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Home, Prohibition & Excise Department,
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Chennai 600 009.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery,
Chennai – 600 007.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai – 600 066.
- 4.The Inspector of Police,
J-6, Thiruvanmiyur 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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and
RMT.TEEKAA RAMAN, J.

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