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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM

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

H.C.P.NO.1842 OF 2021

R.Gunaseelan

.. 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.
4. The Inspector of Police,
North Police Station,
Tiruppur.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records and quash the order passed by the 2nd respondent in C.No.43/I.T.O./I.S/2021/T.P.D.A.No.856 dated 07.09.2021 and consequently direct the respondents to produce the body of the detenu Rajesh, male, 36 years, S/o.Gunasheelan, before this Court and set him at liberty from the Central Prison, Coimbatore.



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For Petitioner : Mr.Balaji Thirumoorthy
for Mr.N.Edwin Jayakumar
For Respondents : Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor

ORDER

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

The petitioner is the father of the detenu Rajesh, male, aged 36 years, S/o.Gunasheelan. The detenu has been detained by the second respondent by his order in C.No.43/I.T.O./I.S/2021 dated 07.09.2021, holding him to be a "Immoral Traffic Offender", as contemplated under Section 2(g) 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 Form of order for the detention in custody for an accused person 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.63 and 64 of the booklet, it is clear that the Form of order for the detention in custody for an accused person 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.43/I.T.O./I.S/2021 dated 07.09.2021, passed by the second respondent is set aside. The detenu, viz.,



Rajesh, male, aged 36 years, S/o.Gunasheelan, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsd

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.
4. The Inspector of Police,
North Police Station,
Tiruppur.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1842 of 2021

JPII(CO)
PM/21/04/2022