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H.C.P.No.1832 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Habeas Corpus Petition No.1832 of 2022

Kavitha
W/o Ramesh

..... Petitioner

-Versus-

State Rep. by

- 1.State of Tamil Nadu,
Rep. by Secretary to Government,
Prohibition & Excise Department,
St. George Fort, Chennai 600 009.
- 2.The District Collector &
District Magistrate,
Tiruvannamalai District.
- 3.The Superintendent of Police,
Tiruvannamalai District,
Tamil Nadu 60 601.
- 4.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.



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5. The Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.

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.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling upon the production of the records relating to the detention order dated 27.4.2022 made in detention order D.O.No.46/2022-C2 passed by the 2nd respondent herein and quash the same and consequentially direct the respondents to produce the body or person of the Petitioner's Son Siva, S/o Ramesh, aged about 21 years branded as Goonda and now confined in Central Prison Vellore.

For Petitioner : Mr.S.Paul Gnanamuthu

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

The petitioner is the mother of the detenu viz., Siva, S/o Ramesh. The detenu has been detained by the second respondent by his order in D.O.No.46/2022-C2 dated 27.04.2022, 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 remand order 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 No.210 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 D.O.No.46/2022-C2 dated 27.04.2022 passed by the second



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respondent is set aside. The detenu viz., viz., Siva, Son of Ramesh, aged 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)
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Index: Yes/No
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- 1.The Secretary to Government,
Prohibition & Excise Department,
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- 2.The District Collector &
District Magistrate,
Tiruvannamalai District.
- 3.The Superintendent of Police,
Tiruvannamalai District,
Tamil Nadu 60 601.
- 4.The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor (Puducherry),
High Court, Madras.



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P.N.PRAKASH.J.,
AND
RMT.TEEKAA RAMAN.J.,

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