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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

Coram

The Honourable Mr.Justice P.N.PRAKASH
and
The Honourable Mr.Justice A.A.NAKKIRAN

H.C.P.No.1684 of 2021

T.Radha

.. Petitioner/
Daughter of Detenue

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat Building,
St.George Fort,
Chennai-600 009.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Police,
Special Prison for Women,
Coimbatore.
4. The Inspector of Police,
Annadanapatti Police Station,
Salem City,
Salem - 636 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to produce the detenue Maheswari, wife of Jayamurugan, Hindu, aged about 50 years, branded as Goonda by the order of detention passed by the 2nd respondent in C.M.P.No.70/I.T.O./Salem City/2021 dated 02.09.2021 before this Court and now confined at the Special Prison for Women, Coimbatore and set her at liberty.

For Petitioner : Mr.N.Vijaya Basker

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



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

The petitioner is the daughter of the detenue Maheswari, wife of Jayamurugan, Hindu, aged about 50 years. The detenue has been detained by the second respondent by his order in C.M.P.No.70/I.T.O./Salem City/2021 dated 02.09.2021, holding her 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 arrest intimation has not been fully translated in vernacular language. He further submitted that the detaining authority, while detaining the detenue, has not furnished the legible copies of the documents relied on by him. This deprived the detenue from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.16 and 17 of the booklet, it is clear that the arrest intimation has not been fully 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.M.P.No.70/I.T.O./Salem City/2021 dated 02.09.2021, passed by the second respondent is set aside. The detenue, viz., Maheswari, wife of Jayamurugan, Hindu, aged about 50 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar



NSD

To

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1. The Secretary to the Government,
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2. The Commissioner of Police,
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3. The Superintendent of Police,
Special Prison for Women,
Coimbatore.
4. The Inspector of Police,
Annadanapatti Police Station,
Salem City,
Salem - 636 002.
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.1684 of 2021

SRA (CO)
TE (09/03/2022)