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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM

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

H.C.P.NO.1646 OF 2021

C.Manimegalai

.. Petitioner

Vs.

1. State represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Salem City,
Office of the Commissioner,
Salem City.
3. The Inspector of Police,
Kondalampatti Police Station,
Salem City.
4. The Superintendent of Police,
Central Prison,
Salem.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the entire records culmination in the detention of the petitioner's husband Chinnadurai, son of Karuppusamy, under the Act 14 of 1982 vide detention order dated 01.09.2021 on the file of the second respondent herein made in proceedings C.M.P.No.68/I.T.O/Salem City/2021 and quash the same as illegal and consequently direct the respondents herein to produce the son of Karuppusamy before this Court and thereafter, set him free at liberty from the Central Prison, Salem.



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For Petitioner : Mr.Venkatesh S.

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

ORDER

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

The petitioner is the wife of the detenu Chinnadurai, son of Karuppusamy, aged 45 years. The detenu has been detained by the second respondent by his order in C.M.P.No.68/I.T.O/Salem City/2021 dated 01.09.2021, 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 remand order 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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter affidavit.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.112 and 113 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 C.M.P.No.68/I.T.O/Salem City/2021 dated



01.09.2021, passed by the second respondent is set aside. The detenu, viz., Chinnadurai, son of Karuppusamy, aged about 45 years, 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 VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Salem City,
Office of the Commissioner,
Salem City.
3. The Inspector of Police,
Kondalampatti Police Station,
Salem City.
4. The Superintendent of Police,
Central Prison,
Salem.
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.1646 of 2021

SSI (CO)
PM/04/05/2022