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H.C.P.No.1627 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1627 of 2022

Rani

..... Petitioner

-Versus-

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai 600009.
- 2.The District Collector & District Magistrate,
Ariyalur District, Ariyalur.
- 3.The Additional Superintendent,
Central Prison, Trichy.
- 4.The Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District.

.... Respondents

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 dated 06.04.2022 made in Cr.M.P.3/2022 on the file of the 2nd respondent herein detaining the son of the petitioner herein and to quash the same and



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consequently direct the respondents to produce the body of the petitioner's son namely, Chinnu @ Rajesh, S/o. Rajendran, aged about 24 years, now detained in Central Prison, Trichy, before this court and set him at liberty forthwith.

For Petitioner : Mr.B.Kumarasamy

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

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the mother of the detenu viz., Chinnu @ Rajesh. The detenu has been detained by the second respondent by his order in Cr.M.P.3/2022 dated 06.04.2022, 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.

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 arrest intimation has not been properly translated in



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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.73 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 dated 06.04.2022 in Cr.M.P.No.3/2022 passed by the second respondent is set aside. The detenu, viz., Chinnu @ Rajesh, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
13..12..2022

Index: Yes/No
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- 2.The District Collector & District Magistrate,
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- 3.The Additional Superintendent,
Central Prison, Trichy.
- 4.The Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District.
- 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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N.ANAND VENKATESH.J.,

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