

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**

and

The Honourable Mr. Justice **A.A.NAKKIRAN**

H.C.P.No.1772 of 2021

Soundharya

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Secretary of Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.

2.The Commissioner of Police,
Salem City.

3.The Superintendent,
Women Sub-Jail,
Salem.

4.The Inspector of Police,
Sooramangalam Police Station,
Salem City,
Salem District.
(Crime No.386/2021)

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records leading to the detention of the petitioner's mother, the detenue Parimala, aged 31 years, wife of Gopi, presently detained in the Women Sub-Jail, Coimbatore, under Act 14/1982, as "Immoral Traffic Offender" *vide* the detention order dated 31.08.2021 in C.M.P.No.65/I.T.O/Salem City/2021, on the file of the 2nd respondent herein, directing to produce the person or body of the detenue Parimala, aged 31 years, wife of Gopi, before this Court and thereafter, set her at liberty from the Special Sub-Jail for Women, Salem, by setting aside the above order.

For Petitioner : Mr.B.Vasudevan

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

ORDER

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

The petitioner is the daughter of the detenue Parimala, aged 31 years, wife of Gopi. The detenue has been detained by the second respondent by his order in C.M.P.No.65/I.T.O/Salem City/2021 dated 31.08.2021, 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 translated in vernacular language. He further submitted that the detaining authority, while detaining the detainee, has not furnished the legible copies of the documents relied on by him. This deprived the detainee 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 No.49 of the booklet, it is clear that the arrest intimation has not been 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.65/I.T.O/Salem City/2021 dated 31.08.2021, passed by the second respondent is set aside. The detenue, viz., Parimala, aged 31 years, wife of Gopi, is directed to be released forthwith unless her detention is required in connection with any other case.

(P.N.P.,J.) (A.A.N.,J.)
11.03.2022

Index: Yes/No
nsd

To

- 1.The Secretary of Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-9.
- 2.The Commissioner of Police,
Salem City.
- 3.The Superintendent,
Women Sub-Jail,
Salem.
- 4.The Inspector of Police,
Sooramangalam Police Station,
Salem City,
Salem 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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P.N.PRAKASH,J.
and
A.A.NAKKIRAN,J.

nsd

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