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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

Coram

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

H.C.P.No.1732 of 2021

M.Prakash

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Chennai-9.
2. The Commissioner of Police,
Vepery,
Chennai - 7.
3. The Inspector of Police,
Team 21, EDF-III,
Central Crime Branch.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records made in detention order No.263/BCDFGISSSV/2021 dated 14.09.2021 issued by the 2nd respondent and set aside the same as illegal for a direction directing the respondents herein to produce the body and person of the detenu M.Prakash, S/o.Late Mariyappan, aged about 28 years, who has been detained as "Goonda" confined in the Central Prison, Puzhal-II, Chennai - 66, before this Court and set him at liberty.

For Petitioner : Mr.B.Chandran

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

ORDER

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

The petitioner is the detenu M.Prakash, S/o.Late Mariyappan, aged about 28 years. The detenu has been detained by the second respondent by his order in No.263/BCDFGISSSV/2021



dated 14.09.2021, 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 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.569 and 571 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 No.263/BCDFGISSSV/2021 dated 14.09.2021, passed by the second respondent is set aside. The detenu, viz., M.Prakash, S/o.Late Mariyappan, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Chennai-9.

