



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

Coram

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

H.C.P.No.1803 of 2021

P.Pramila

.. Petitioner /
Mother of the detainee

Vs.

1. The Secretary to the Government
of Tamil Nadu,
Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
3. The Superintendent of Police,
O/o.Central Prison,
Puzhal,
Chennai.
4. The Inspector of Police,
O/o.The Inspector of Police,
S-6, Sankar Police Station,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in Memo No.BCDFGISSSV No.283/2021 on the file of the second respondent, quash the detention order dated 30.09.2021 and direct the respondent to produce the detenu Nandhakumar @ Nandha, son of late Perumal, aged 28 years, detained at the Central Prison, Puzhal, under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.



WEB COPY

For Petitioner : Mr.P.K.Ganesh

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

ORDER

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

The petitioner is the mother of the detenu Nandhakumar @ Nandha, son of Perumal, aged 28 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.283/2021 dated 30.09.2021, 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 extension 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.107 and 108 of the booklet, it is clear that the remand extension 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 BCDFGISSSV No.283/2021 dated 30.09.2021, passed by the second respondent is set aside. The detenu, viz., Nandhakumar @ Nandha, son of Perumal, aged 28 years, is directed



to be released forthwith unless his detention is required in connection with any other case.

WEB COPY

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to the Government
of Tamil Nadu,
Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Police,
O/o.Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
O/o.The Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.K.Ganesh, Advocate, S.R.No.23052

H.C.P.No.1803 of 2021

SKM[co]
NSK 08/04/2022