



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

Coram

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

H.C.P.No.1734 of 2021

Ganapathy
S/o.Baskar

.. Petitioner

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector & District Magistrate,
Vellore District, Vellore - 9.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent dated 13.08.2021 in C3/D.O.No.52/2021 against the petitioner Ganapathy s/o.Baskar, aged 23 years, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

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

The petitioner/detenu viz., Ganapathy s/o.Baskar, aged 23 years, has been detained by the second respondent by his order in C3/D.O.No.52/2021 dated 13.08.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 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 pertaining to the ground case has not been fully translated in vernacular language. 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.10 and 11 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been fully 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 C3/D.O.No.52/2021 dated 13.08.2021 passed by the second respondent is set aside. The detenu, viz., Ganapathy s/o.Baskar, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.



2. The District Collector & District Magistrate,
Vellore District, Vellore - 9.

3. The Superintendent of Police,
Vellore District, Vellore.

4. The Superintendent of Prison,
Central Prison, Vellore.

5. The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.

6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1734 of 2021

NRI (CO)
CT 25/02/2021