



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

Coram

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

H.C.P.No.1841 of 2021

Vanitha .. Petitioner/Mother of the Detenue
Vs.

- 1.State of Tamil Nadu represented by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tiruvaruru District,
Tiruvarur.
- 3.The Superintendent of Police,
Tiruvarur District,
Tiruvarur.
- 4.The Superintendent of Central Prison,
Trichy.
- 5.The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur.

.. 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 C.O.C.No.18/2021 dated 12.08.2021 on the file of the 2nd respondent herein and quash the same as illegal and direct the respondents to produce the detenu viz., Madhan, S/o.Ramesh, aged about 19 years, residing at Annai Colony, Lakshmangudi Main Road, Lakshmangudi & Post, Koothanallur Taluk, Tiruvarur District, lodged in the Central Prison, Trichy, vide TNPDA No.9702, before this Court and set him at liberty.



WEB COPY

For Petitioner : Mr.A.Mohan

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

ORDER

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

The petitioner is the mother of the detenu Madhan, S/o.Ramesh, aged about 19 years. The detenu has been detained by the second respondent by his order in C.O.C.No.18/2021 dated 12.08.2021, 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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.86 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 C.O.C.No.18/2021 dated 12.08.2021, passed by the second respondent is set aside. The detenu, viz., Madhan,



S/o.Ramesh, aged about 19 years, is directed to be released forthwith unless his detention is required in connection with any other case.

WEB COPY

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

nsd

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Tiruvaruru District,
Tiruvarur.
- 3.The Superintendent of Police,
Tiruvarur District,
Tiruvarur.
- 4.The Superintendent of Central Prison,
Trichy.
- 5.The Inspector of Police,
Tiruvarur Taluk Police Station,
Tiruvarur.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.A.Mohan, Advocate SR.No.30014

H.C.P.No.1841 of 2021

NMI (CO)
GMY (09/05/2022)