



WEB COPY



HCP No.1711 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P.No.1711 of 2022

Rajeshwari
W/o.Murugesan

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Tambaram City.

3.The Superintendent of Police,
Central Prison,
Puzhal, Chennai.

4.The Inspector of Police,
S-15, Selaiyur Police Station

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus call for the records in connection with the
order of detention passed by the second respondent dated 21.05.2022 in



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BCDFGISSSV No.88/2022 against the petitioner husband, Thiru.Karthikeyan @ Magan Karthik, male aged about 24 years S/o.Murugesan, who is confined at Central Prison Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.M.Illiyas
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Karthikeyan @ Magan Karthik S/o.Murugesan, aged 24 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.88/2022 dated 21.05.2022, 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.



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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 properly 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.245 and 247 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.88/2022 dated 21.05.2022, passed by the second respondent is set aside. The detenu, viz., Karthikeyan @ Magan Karthik S/o.Murugesan, aged 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
21.12.2022

Index: Yes/No
gya/ssr

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Tambaram City.
- 3.The Superintendent of Police,
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Puzhal, Chennai.
- 4.The Inspector of Police,
S-15, Selaiyur Police Station.



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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
N.ANAND VENKATESH, J.

SSR

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