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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

Coram

The Honourable Mr. Justice S.VAIDYANATHAN
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.1832 of 2021

Aruljothi

..Petitioner/Wife of the Detenue

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Commissioner of Police,
Salem City, Salem District.
3. The Superintendent,
Central Prison - Salem, Salem District.
4. State rep. by its
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 26.10.2021 on the file of the second respondent herein made in proceedings Memo C.M.P.No.97/Goonda/Salem City/2021, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Murali @ Vellaiyan, S/o.Ramachandran, aged 48 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detailed at Central Prison, Salem.



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For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.E.Raj Thilak
Addl. Public Prosecutor

ORDER

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner is the wife of the detenu Murali @ Vellaiyan, S/o.Ramachandran, aged 48 years. The detenu has been detained by the second respondent by his order in C.M.P.No.97/Goonda/Salem City/2021 dated 26.10.2021, 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 and we have also perused the records carefully.

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 arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, 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.113 and 114 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.



5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.97/Goonda/Salem City/2021 dated 26.10.2021, passed by the second respondent is set aside. The detenu, namely, Murali @ Vellaiyan, S/o.Ramachandran, aged 48 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Commissioner of Police,
Salem City, Salem District.
3. The Superintendent,
Central Prison - Salem, Salem District.
4. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1832 of 2021

KV (CO)
PR (16/06/2022)