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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

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

H.C.P.NO.1859 OF 2021

P.Sagunthala

... Petitioner

.Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector
and District Magistrate,
Nagapattinam District.
3. The Superintendent of Police,
O/o. Superintendent of Police,
Nagapattinam District.
4. The Superintendent of Prison,
Central Prison, Trichy.
5. The Inspector of Police, (L & O),
Velipalaiyam Police Station,
Nagapattinam District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records connected with the detention order in C.O.C.No.33/2021 dated 27.09.2021 on the file of the Respondent No.2 and quash the same and direct the respondents to produce the body and person of the petitioner's son one named Suresh, S/o.Pandi, aged about 32 years, now confined at the Central Prison, Trichy, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar

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



ORDER

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

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The petitioner is the mother of the detenu Suresh, S/o.Pandi, aged about 32 years. The detenu has been detained by the second respondent by his order in C.O.C.No.33/2021 dated 27.09.2021, 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 arrest intimation 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.53 to 55 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in C.O.C.No.33/2021 dated 27.09.2021, passed by the second respondent is set aside. The detenu, viz., Suresh, S/o.Pandi, aged about 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector
and District Magistrate,
Nagapattinam District.
3. The Superintendent of Police,
O/o. Superintendent of Police,
Nagapattinam District.
4. The Superintendent of Prison,
Central Prison,
Trichy.
5. The Inspector of Police, (L & O),
Velipalaiyam Police Station,
Nagapattinam 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.1859 OF 2021

JP-II(CO)
PBS/21/04/2022