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H.C.P.No.1844 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.1844 of 2022

Umeshkumar

.. Petitioner

Vs

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Detaining Authority,
Kancheepuram District, Kancheepuram.
- 3.The Superintendent,
Central Prison - II,
Puzhal, Chennai.
- 4.The Inspector of Police-cum-
Sponsoring Authority,
Oragadam Police Station,
Kancheepuram District,
Kancheepuram.
- 5.The Superintendent of Police,
O/o.The District Collectorate,
Kancheepuram District,
Kancheepuram.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus to produce the petitioner before this Court and set him at liberty forthwith by calling for the records pursuant to detention order dated 12.01.2022 made in proceedings in B.C.D.F.G.I.S.S.S.V. No.04/2022 on the file of the second respondent herein and quash the same.

For Petitioner : Ms.R.Saranya

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Mady by *P.N.PRAKASH, J.*)

The petitioner is the detenu Umeshkumar, male, aged 25 years, S/o.Mohanram. The detenu has been detained by the second respondent by his order in Memo B.C.D.F.G.I.S.S.S.V. No.04/2022 dated 12.01.2022, 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 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 translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this 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 No.163 of the booklet, it is clear that the arrest intimation has not been 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 Memo B.C.D.F.G.I.S.S.S.V. No.04/2022 dated 12.01.2022, passed by the second respondent is set aside. The detenu, viz., Umeshkumar, male, aged 25 years, S/o.Mohanram, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
19.10.2022

Index: Yes/No
nsd



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To

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Sponsoring Authority,
Oragadam Police Station,
Kancheepuram District,
Kancheepuram.
- 5.The Superintendent of Police,
O/o.The District Collectorate,
Kancheepuram District,
Kancheepuram.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor,
High Court, Madras.



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