



HCP No.1786 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.1786 of 2022

Sukirthan @ Felix
S/o.Alagesan

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.

3.The Inspector of Police,
Maduranthagam Police Station,
Maduranthagam.

4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

5.The Superintendent of Police,
Chengalpattu District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent dated 04.03.2022 in CPT No.16/2022 against the petitioner Sukirthan @ Felix s/o.Alagesan, aged about 24 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.V.Parthiban

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner/detenu viz., Sukirthan @ Felix s/o.Alagesan, aged about 24 years, has been detained by the second respondent by his order in CPT No.16/2022 dated 04.03.2022, holding 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 learned counsel for the petitioner and learned Additional Public Prosecutor 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 remand order 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.227 and 229 of the booklet, it is clear that the remand order 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 CPT No.16/2022 dated 04.03.2022, passed by the second respondent is set aside. The detenu, viz., Sukirthan @ Felix s/o.Alagesan, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
28.10.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Inspector of Police,
Maduranthagam Police Station,
Maduranthagam.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 5.The Superintendent of Police,
Chengalpattu District.



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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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P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

gm

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