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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM

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

H.C.P.NO.1887 OF 2021

Swathi

.. Petitioner/Wife of detenu

Vs.

1. State of Tamil Nadu represented by
The Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
Vepery,
Chennai - 7.
3. The Superintendent of Police,
Central Prison,
Puzhal,
Chennai-66.
4. The Inspector of Police,
G-2, Periyamedu Police Station,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order in Memo No.257/BCDFGISSSV/2021 dated 07.09.2021 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Arun Kumar @ Thaveedu, S/o.Thamizharasan, the detenu, now confined in the Central Prison, Puzhal, Chennai, before this Court and set the petitioner's brother husband Arun Kumar @ Thaveedu,



S/o.Thamizharasan, aged about 22 years, the detenu herein, at liberty.

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For Petitioner : Mr.N.Naresh

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

ORDER

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

The petitioner is the wife of the detenu Arun Kumar @ Thaveedu, S/o.Thamizharasan, aged about 22 years. The detenu has been detained by the second respondent by his order in Memo No.257/BCDFGISSSV/2021 dated 07.09.2021, 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 remand order 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.177 to 179 of the booklet, it is clear that the remand order 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 Memo No.257/BCDFGISSSV/2021 dated 07.09.2021, passed by the second respondent is set aside. The detenu, viz., Arun Kumar @ Thaveedu, S/o.Thamizharasan, aged



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about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
Vepery,
Chennai - 7.
3. The Superintendent of Police,
Central Prison,
Puzhal,
Chennai-66.
4. The Inspector of Police,
G-2, Periyamedu Police Station,
Chennai.
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.1887 of 2021

GPL(CO)
RLP(11/04/2022)