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H.C.P.No.1861 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19..12..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and

The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1861 of 2022

Thahira

..... Petitioner

-Versus-

- 1.The Principal Secretary to Government,
Food and Consumer Protection Department,
Namakkal Kavingnar Maaligai,
Secretariat, Chennai 600 009.
- 2.The Principal Secretary to Government of India,
Ministry of Consumer Affairs,
Food and Public Distribution,
New Delhi 110 001.
- 3.The District Collector and District Magistrate,
(Authorised Officer)
Krishnagiri District.
- 4.The Superintendent of Police,
Krishnagiri, Krishnagiri District.
- 5.The Chief Superintendent of Jail,
Salem Central Prison,
Salem, Salem District.



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6.The Inspector of Police,
CSCID, Krishnagiri,
Krishnagiri District.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records of 2nd respondent in relation to impugned detention order made in S.C.No.24 of 2022 (CS) dated 11.08.2022 and set aside the same and consequently direct the respondents to produce the body of petitioner husband namely Bhilal, aged about 41 years presently detained in Central Prison, Salem, Salem District before this Court and set him at liberty.

For Petitioner : Mr.M.R.Thangavel

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the wife of the detenu viz., A.Bhilal. The detenu has been detained by the second respondent by his order in S.C.No.24 of 2022 (CS) dated 11.08.2022, holding him to be a "Black



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Marketeer", as contemplated under The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Central Act 7 of 1980). 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 on the ground that the arrest memo has not been properly 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 Nos.73 & 74 of the booklet, it is clear that the arrest memo has not been properly translated in vernacular language. Thus the impugned detention order is



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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 S.C.No.24 of 2022 (CS) dated 11.08.2022 passed by the second respondent is set aside. The detenu viz., A. Bhilal, Son of Ahamod Ussain is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
19..12..2022

Index: Yes/No
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- 6.The Inspector of Police,
CSCID, Krishnagiri,
Krishnagiri District.
- 7.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 8.The Public Prosecutor, High Court, Madras.



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