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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

Coram

The Honourable Mr. Justice S.VAIDYANATHAN
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.1943 of 2021

Vishnupriya .. Petitioner/Wife of the Detenue

Vs

1.The Secretary to the Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate
of Kancheepuram,
Kancheepuram District, Kanchipuram.

3.The Superintendent of Police,
Kanchipuram, Kanchipuram District.

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

5.State represented by
The Inspector of Police,
Uthiramerur Police Station,
Kanchipuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in connection with the order of detention passed by the 2nd respondent dated 26.10.2021 in Memo No.B.C.D.F.G.I.S.S.S.V.No.63/2021 against the petitioner's husband Uthirakumar @ Ruthra, aged 28 years, S/o.Kannan, who is confined at the Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenue before this Court and set him at liberty.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.E.Raj Thilak
Addl. Public Prosecutor



ORDER

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

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The petitioner is the wife of the detenu Uthirakumar @ Ruthra, aged 28 years, S/o.Kannan. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.63/2021 dated 26.10.2021, 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 on the ground that the arrest intimation has not been 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 No.139 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.63/2021 dated 26.10.2021, passed by the second respondent is set aside. The detenu, viz., Uthirakumar @ Ruthra, aged 28 years, S/o.Kannan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Nsd



To

1. The Secretary to the Government,
Home, Prohibition & Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate
of Kancheepuram,
Kancheepuram District, Kanchipuram.
3. The Superintendent of Police,
Kanchipuram, Kanchipuram District.
4. The Superintendent,
Central Prison,
Puzhal,
Chennai.
5. The Inspector of Police,
Uthiramerur Police Station,
Kanchipuram.
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.1943 of 2021

GJ(CO)
GN(20/06/2022)