



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

Coram

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

H.C.P.No.2062 of 2021

J.Gayathri

.. Petitioner/Detenu Wife

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police/
Detaining Authority,
Greater Chennai,
Vepery, Chennai.

3.The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai.

4.The Inspector of Police-cum-
Sponsoring Authority,
T-2, Ambattur Estate Police Station,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.336/BCDFGISSSV/2021 dated 09.11.2021 and quash the same as illegal and produce the detenu viz., Joswa @ Appu @ Kada, S/o.Sukumar, aged 23 years, now he is confined in the Central Prison, Puzhal II, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.C.Raja

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 Joswa @ Appu @ Kada, S/o.Sukumar, aged 23 years. The detenu has been detained by the second respondent by his order in No.336/BCDFGISSSV/2021 dated 09.11.2021, 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.146 and 147 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 No.336/BCDFGISSSV/2021 dated 09.11.2021, passed by the second respondent is set aside. The detenu, viz., Joswa @ Appu @ Kada, S/o.Sukumar, aged 23 years, 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 Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Police/
Detaining Authority,
Greater Chennai,
Vepery, Chennai.

3. The Superintendent of Prison,
Central Prison-II,
Puzhal, Chennai.

4. The Inspector of Police-cum-
Sponsoring Authority,
T-2, Ambattur Estate 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.2062 of 2021

rk(CO)
A.SK(16/06/2022)