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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2022

Coram

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

H.C.P.No.2069 of 2021

Rukmani

W/o.Murugesan

.. Petitioner/Mother of Detenue
Vs.

1. State of Tamil Nadu
represented by its
Secretary to Government [Home],
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Coimbatore District,
Coimbatore.
3. The Superintendent of Police,
Coimbatore District,
Coimbatore.
4. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.
5. The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records of the second respondent in his proceeding Cr.M.P.No.33/G/2021/E1 dated 23.09.2021 to quash the same and consequently, direct the respondents to produce the petitioner's son Sullan @ Subash @ Selvakumar s/o.Murugesan, aged 32 years, before this Court, now confined at Central Prison, Coimbatore, set him at liberty forthwith.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.M.Babu Muthu Meeran
Additional Public Prosecutor



ORDER

[Order of the Court was made by A.A.NAKKIRAN, J]

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The petitioner is the mother of the detenu viz., Sullan @ Subash @ Selvakumar s/o.Murugesan, aged 32 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.33/G/2021/E1 dated 23.09.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 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 arrest intimation pertaining to the ground case has not been fully 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.122 and 123 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been fully 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 Cr.M.P.No.33/G/2021/E1 dated 23.09.2021 passed by the second respondent is set aside. The detenu, viz., Sullan @ Subash @ Selvakumar s/o.Murugesan, aged 32 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

gm



To

1. The Secretary to Government [Home],
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Coimbatore District,
Coimbatore.
3. The Superintendent of Police,
Coimbatore District,
Coimbatore.
4. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.
5. The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
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.2069 of 2021

BR(CO)
SU(29/04/2022)