



H.C.P.No.1965 of 2022.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..12..2022

Coram

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

Habeas Corpus Petition No.1965 of 2022

Selvi

..... Petitioner

-Versus-

- 1.State of Tamil Nadu,
Rep. by The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Ariyalur District, Ariyalur.
- 3.The Superintendent of Police,
Ariyalur District, Ariyalur.
- 4.The Superintendent of Prison,
Central Prison, Trichirapalli.
- 5.The Inspector of Police,
Meensurutti Police Station,
Ariyalur District.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent in Cr.MP.No.02/2022 dated 27.01.2022 against the petitioner's son, the detune, viz., Jayaprakash, aged 24 years, son of Jayapal, now confined in Central Prison, Trichirapalli and to set aside the same and consequently direct the respondents to produce the detune before this court and set him at liberty.

For Petitioner : Mr.M.Ravikannan

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

ORDER

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

The petitioner is the mother of the detenu viz., Jayaprakash. The detenu has been detained by the second respondent by his order in Detention Order in Cr.MP.No.02/2022 dated 27.01.2022 holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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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. 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 No.73 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.MP.No.02/2022 dated 27.01.2022, passed by the second respondent is set aside. The detenu, viz., Jayaprakash, 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.)
13..12..2022

Index: Yes/No
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To

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- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Ariyalur District, Ariyalur.
- 3.The Superintendent of Police,
Ariyalur District, Ariyalur.
- 4.The Superintendent of Prison,
Central Prison, Trichirapalli.
- 5.The Inspector of Police,
Meensurutti Police Station,
Ariyalur 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.



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AND
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