



WEB COPY



H.C.P.No.2013 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2013 of 2022

Chitra

.. Petitioner

Vs

State rep. by

1.State of Tamil Nadu

Rep. by Secretary of State

Prohibition & Excise Department

St. George Fort

Chennai – 600 009.

2.The District Collector & District Magistrate

Ranipet District

3.The Superintendent of Police

Ranipet District, Tamil Nadu 606 601

4.The Superintendent of Prison

Central Prison, Vellore

Vellore 632 401

5.The Inspector of Police

Arakkonam Town Police Station

Ranipet District

..

Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling upon the production of the records relating to the detention order dated 01.12.2021 made in



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detention order B3/D.O.No.82/2021 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's son and direct the respondents to produce the body or person of the petitioner's son Santhosh, S/o.Gangadharan, aged about 22 years branded as GOONDA and now confined in Central Prison, Vellore District before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.S.Paul Gnanamuthu

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

The petitioner is the mother of the detenu *viz.*, Santhosh, aged about 22 years, S/o.Gangadharan. The detenu has been detained by the second respondent by his order in B3/D.O.No.82/2021 dated 01.12.2021, 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.



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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 arrest intimation has not been fully 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.25 and 26 of the booklet, it is clear that the arrest intimation 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 B3/D.O.No.82/2021 dated 01.12.2021, passed by the second respondent is set aside. The detenu, viz., Santhosh, aged about 22 years, S/o.Gangadharan, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (T K R, J.)



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

nsd

To

- 1.The Secretary of State
Prohibition & Excise Department
St. George Fort
Chennai – 600 009.
- 2.The District Collector & District Magistrate
Ranipet District
- 3.The Superintendent of Police
Ranipet District, Tamil Nadu 606 601
- 4.The Superintendent of Prison
Central Prison, Vellore
Vellore 632 401
- 5.The Inspector of Police
Arakkonam Town Police Station
Ranipet 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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