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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.2108 OF 2021

Santhi

... Petitioner/Mother
of the Detenue

.Vs.

1. The State Rep. by its
The Secretary to Government (Home)
Prohibition and Excise Department,
Fort St.George, Chennai - 9.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Police,
Salem City, Salem
4. The Superintendent of Central Prison,
Salem City, Salem.
5. The Inspector of Police,
B4 Annadanapatty Police Station,
Salem.

... Respondents

PRAYER:-

Habeas Corpus Petition filed under Article 226 of the Constitution of India to call for the records pertaining to the order of detention dated 25.11.2021 passed by the 2nd respondent in CMP.No.116/Goonda/Salem city/2021 and quash the same and produce the detenue, Mohan @ Buski Mohan aged about 24years s/o.Krishnan detained at Central Prison, Salem before this Court.

For Petitioner : M/s.S.G.Vedhapriyadarshini

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



O R D E R

S.VAIDYANATHAN, J.

AND

A.D.JAGADISH CHANDIRA, J.

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The petitioner is the mother of Mohan @ Buski Mohan, male, aged about 24 years, son of Krishnan, who is the detenu. The detenu has been detained by the second respondent by his order in CMP.No.116/Goonda/Salem City/2021 dated 25.11.2021, 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 and we have also perused the records carefully.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, she has mainly focused his argument on the ground that the arrest intimation pertaining to the ground case 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.169 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in CMP.No.116/Goonda/Salem City/2021 dated 25.11.2021, passed by the second respondent is set aside. The detenu, viz., Mohan @ Buski Mohan, male, aged about 24 years, son of Krishnan, 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



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To

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Fort St. George, Chennai - 9.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Police,
Salem City, Salem.
4. The Superintendent of Central Prison,
Salem City, Salem.
5. The Inspector of Police,
B4 Annadanapatty Police Station,
Salem.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

+2ccs to M/s.S.G.Vedhapriyadarshini, Advocate, S.R.No.35854
(21/06/2022)

H.C.P.NO.2108 OF 2021

AK-II(CO)
PBS/20/06/2022