

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

Coram:

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

H.C.P.No.2191 of 2021

Sundaram

.. Petitioner /
Father of the detainee

Vs.

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Police,
Central Prison Salem,
Salem.
4. The Inspector of Police,
Salem Town Police Station,
Salem.

.. Respondents

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 dated 25.11.2021 passed by the second respondent in C.M.P. No.117/GOONDA/SALEM CITY/2021 and quash the same and produce the detainee, Suresh @ Thala Suresh aged about 30 years, S/o. Sundaram, detained at Central Prison Salem, before this Court and set him at liberty.

For Petitioner : Ms.S.G.Vedha
Priyadharshini
For Respondents : Mr. M.Babu Muthumeeran
Additional Public
Prosecutor

ORDER

(Hearing was made through Hybrid Mode)

S.VAIDYANATHAN, J.,
and
A.D.JAGADISH CHANDIRA, J.,

The petitioner is the father of detenu Suresh @ Thala Suresh, aged 29 years, S/o. Sudnaram. The detenu has been detained by the second respondent by his order in C.M.P. No.117/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, he 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. He further submitted that the petitions filed by co-accused in H.C.P. Nos.2108 & 2109 of 2021 were also allowed by this Court on 13.06.2022. 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.170 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 C.M.P. No.117/Goonda/Salem City/2021 dated 25.11.2021, passed by the second respondent is

set aside. The detenu, Suresh @ Thala Suresh, aged 29, S/o. Sundaram, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

True Copy//
Sub Assistant Registrar

bkn

To

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Police,
Central Prison Salem,
Salem.
4. The Inspector of Police,
Salem Town Police Station,
Salem.
5. The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St. George, Chennai.
6. The Public Prosecutor,
High Court, Madras.

+2ccs to Ms.S.G.Vedha Priyadharshini, Advocate, S.R.No.42190

H.C.P.No.2191 of 2021

SR[co]
NSK/12/07/2022