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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

Coram

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

H.C.P.No.2157 of 2021

Selvi

D/o.Arokkiyasamy

.. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its
Secretary to Governemnt,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Chennai City Police,
Greater Chennai, Commissioner Office,
Vepery, Chennai - 600 007.

3.The Inspector of Police,
R-6 Kumaan Nagar Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison II,
Puzhal, Chennai.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for records in detention order passed in No.271/BCDFGISSSV/2021 dated 18.09.2021 by the second respondent herein and quash the same and direct the respondents herein to produce the detenu, namely, Ilayaraja @ Ilaiya s/o.Arokkiyasamy, aged about 34 years, who is now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner :Mr.Ilayaraja Kandasamy

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



ORDER

[Made by A.A.NAKKIRAN, J]

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The petitioner is the sister of the detenu viz., Ilaiyaraja @ Ilaiya s/o.Arokkiyasamy, aged about 34 years. The detenu has been detained by the second respondent by his order in No.271/BCDFGISSSV/2021 dated 18.09.2021, 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 No.325 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 No.271/BCDFGISSSV/2021 dated 18.09.2021 passed by the second respondent is set aside. The detenu, viz., Ilaiyaraja @ Ilaiya s/o.Arokkiyasamy, aged about 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

gm



To

- 1.The Secretary to Governemnt,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police,
Chennai City Police,
Greater Chennai, Commissioner Office,
Vepery, Chennai - 600 007.
- 3.The Inspector of Police,
R-6 Kumaan Nagar Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison II,
Puzhal, Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2157 of 2021

KV(CO)
GMY(02/05/2022)