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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

Coram

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

H.C.P.No.2168 of 2021

Thangamani

.. Petitioner

Vs.

State rep. by

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

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in C.M.P.No.119/Goonda/Salem City/2021 dated 26.11.2021 on the file of the second respondent and quash the same as illegal and direct the respondents to produce the detenu Vijay @ Powder Viji, S/o. Gunasekaran, aged about 22 years, now confined at Central Prison, Salem, before this Court and set him at liberty.



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For Petitioner : Ms.S.Senkodi

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

ORDER

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

The petitioner is the mother of the detenu Vijay @ Powder Viji, S/o. Gunasekaran, aged about 22 years. The detenu has been detained by the second respondent by his order in C.M.P.No.119/Goonda/Salem City/2021 dated 26.11.2021, 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. 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 his argument on the ground that the arrest intimation has not been properly 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 Nos.146 and 147 of the booklet, it is clear that the arrest intimation has not been properly 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 C.M.P.No.119/Goonda/Salem



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City/2021 dated 26.11.2021, passed by the second respondent is set aside. The detenu, viz., Vijay @ Powder Viji, S/o. Gunasekaran, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

nsd
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Salem City.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Inspector of Police,
Kitchipalayam Police Station,
Salem.
- 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.2168 of 2021

JPL(CO)
A.SK(17/06/2022)