



WEB COPY



HCP(MD)No.275 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

H.C.P.(MD)No.275 of 2022

Meena

: Petitioner

Vs.

1.State of Tamil Nadu,

The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,

O/o. The Commissioner of Police,
Tiruchirappalli City.

3.The Superintendent,

Central Prison,
Tiruchirappalli.

: Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records pertaining to the Detention Order in C.No.54/Detention/C.P.O./T.C/2021 dated 17.11.2021 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the detenu [brother of the petitioner] namely Manikandan, son of Ravi aged about 23 years, who is detained in Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

O R D E R

[Made by **P.N.PRAKASH, J.**]

The petitioner is the sister of the detenu viz., Manikandan, aged about 23 years, son of Ravi. The detenu has been detained by the second respondent by his order in C.No.54/Detention/C.P.O./T.C/2021 dated 17.11.2021, 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.



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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 bail application pertaining to the ground case has not been 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.163 and 164 of the booklet, it is clear that the bail application 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.



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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.54/Detention/C.P.O./T.C/2021 dated 17.11.2021, passed by the second respondent is set aside. The detenu, viz., Manikandan, male, aged about 23 years, son of Ravi, is directed to be released forthwith unless his detention is required in connection with any other case.

[P.N.P.,J.] & [R.H.,J.]
28.07.2022

Index : Yes/No
Internet : Yes/No
MR



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To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
O/o. The Commissioner of Police,
Tiruchirappalli City.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.N.PRAKASH, J.
and
R.HEMALATHA, J.

MR

ORDER MADE IN
H.C.P.(MD)No.275 of 2022

28.07.2022