



HCP(MD)No.758 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **R.VIJAYAKUMAR**

H.C.P.(MD)No.758 of 2022

A.Najrainiya Parveen

.. Petitioner / mother of the
detenu

Vs.

1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
State of Tamilnadu
Secretariat, Fort St. George
Chennai - 600 009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records, connected with the detention order of the respondent No.2 in detention order No. 57/BCDFGISSSV/2021 dated 31.10.2021 and quash the same and direct the respondents to produce the detenu by name Mohamed Abdul Rahuman, son



HCP(MD)No.758 of 2022

of Abdul Kaboor, aged 21 years, now detained in Madurai Central Prison, before this Court and set him at liberty.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.VIJAYAKUMAR, J.**]

The petitioner is the mother of the detenu viz., Mohamed Abdul Rahuman, aged about 21 years, son of Abdul Kaboor. The detenu has been detained by the second respondent by his order in No. 57/BCDFGISSSV/2021 dated 31.10.2021 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 grounds to assail the order of detention, he has mainly focussed his argument on the ground that the bail order Crime No.455 of 2020 has not



HCP(MD)No.758 of 2022

been properly 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 submission made on either side and upon perusal of the documents available on record, especially, Page Nos.143 and 144 of the booklet, it is clear that the bail order has not been properly translated in vernacular language. Thus, the impugned 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 detention order No.57/BCDFGISSSV/2021 dated 31.10.2021 passed by the second respondent is set aside. The detenu, viz., Mohamed Abdul Rahuman, son of Abdul Kaboor, aged 21 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.V.,J.)
29.06.2022

Internet : Yes
RR



HCP(MD)No.758 of 2022

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3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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HCP(MD)No.758 of 2022

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and
R.VIJAYAKUMAR,J.

RR

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