



HCP(MD)No.1177 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.10.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

H.C.P.(MD)No.1177 of 2022

Basheera

... Petitioner / Mother of Detenu

/Vs./

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

2.The Commissioner of Police,
Trichy City, Trichy.

3.The Inspector of Police,
Ariyamangalam Police Station,
Trichy City.

4.The Superintendent of Prison,
Central Prison, Trichy.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent in his proceedings C.No. 44/Detention/C.P.O./T.C/2022 dated 08.04.2022 and quash the same as illegal and produce the detenu namely Shahul Meeran, S/o.Nagoor Meeran,



HCP(MD)No.1177 of 2022

aged about 21 years, now he is confined in Central Prison, Trichy before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

J. NISHA BANU,J.

and

N. ANAND VENKATESH,J.

The petitioner is the mother of the detenu viz., Shahul Meeran, aged about 21 years, S/o.Nagoor Meeran. The detenu has been detained by the second respondent by his order in C.No.44/Detention/C.P.O/T.C/2022 dated 08.04.2022, 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.



HCP(MD)No.1177 of 2022

bail order made in Crl.M.P.No.4529 of 2021, which was relied upon by the detaining authority and the translation was not provided to the detenu and hence, the detenu was not in a position to make an effective representation. In view of the same, there is a violation of the right guaranteed under Article 22 of the Constitution of India. In view of the same, the detention order suffers from illegality.

6.In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.44/Detention/C.P.O/T.C/2022, dated 08.04.2022, passed by the second respondent is set aside. The detenu, viz., Shahul Meeran, aged about 21 years, S/o.Nagoor Meeran, is directed to be released forthwith unless his detention is required in connection with any other case.

(J.N.B.,J.) (N.A.V.,J.)
14.10.2022

Index : Yes/No
Internet : Yes
ta/Ns



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HCP(MD)No.1177 of 2022

J. NISHA BANU,J.

and

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ta/Ns

To:

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- 3.The Inspector of Police,
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Trichy City.
- 4.The Superintendent of Prison,
Central Prison, Trichy.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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