



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

H.C.P.[MD]No.1704 of 2021

Kalaivani

... Petitioner/Sister of detenu

Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate
Thanjavur District,
Thanjavur.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records pertaining to the impugned Detention Order passed by the second respondent made in his proceedings in P.D.No.134/2021 dated 14.10.2021 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely, Suresh, S/o.Manoharan, Male, aged about 39 years, who is detained in Central Prison, Trichy, before this Court and set him at liberty.

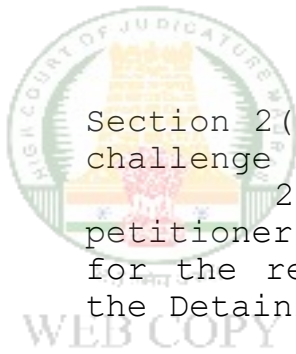
For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

The petitioner is the sister of the detenu viz., Suresh, S/o.Manoharan, aged about 39 years. The detenu has been detained by the second respondent by his order in P.D.No.134/2021 dated 14.10.2021, 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 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. 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.121 and 122 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in P.D.No.134/2021 dated 14.10.2021, passed by the second respondent is set aside. The detenu, viz., Suresh, S/o.Manoharan, aged about 39 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RM

To

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and District Magistrate
Thanjavur District,
Thanjavur.

<https://hcservices.ecourts.gov.in/hcservices/>



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

4.The Joint Secretary to Government,
Public(Law & Order),
Fort St. George,
Chennai - 600 009.

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

+1 CC to M/s.K.M. KARUNAKARAN, Advocate (SR-25542[F] dated
14/06/2022)

H.C.P. [MD]No.1704 of 2021
14.06.2022

MGJ(24.06.2022) 3P 7C