



H.C.P.No.937 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.937 of 2022

Malarkodi

.. Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai-66.

4.The Inspector of Police, L & O,
D-4, Zam Bazaar Police Station,
Chennai.

.. Respondents



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Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in connection with the order of detention passed by the second respondent dated 02.05.2022 in Memo BCDFGISSSV No.98/2022 against the petitioner's son Azhaguraja, male, aged 24 years, S/o.Sekar @ Thotta Sekar, who is confined at the Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu *viz.*, Azhaguraja, male, aged 24 years, S/o.Sekar @ Thotta Sekar. The detenu has been detained by the 2nd respondent by his order dated 02.05.2022 in BCDFGISSSV No.98/2022 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.



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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.

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 remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. The Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.57 and 58 of the booklet, it is clear that the remand order has not been properly translated in vernacular language. Thus, the impugned detention order is



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liable to be set aside on this ground.

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In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.98/2022 dated 02.05.2022, passed by the 2nd respondent is set aside. The detenu *viz.*, Azhaguraja, male, aged 24 years, S/o.Sekar @ Thotta Sekar, is directed to be released forthwith, unless his detention is required in connection with any other case.

J.]

nsd

[P.N.P., J.]

[N.A.V.,

03.01.2023



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2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai-66.

4.The Inspector of Police, L & O,
D-4, Zam Bazaar Police Station,
Chennai.

5.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai-9.

6.The Public Prosecutor,
High Court, Madras.



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AND
N.ANAND VENKATESH, J.

nsd

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