



H.C.P.No.1030 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2023

CORAM

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

H.C.P.No.1030 of 2022

Mallika

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Secretary to the Government,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Police,
Tambaram City, Chennai.

3.The Inspector of Police,
G-9, Thazhambur Police Station,
Chennai.

4.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

.. Respondents



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Petition filed under Article 226 of the Constitution of India, praying

to issue a WRIT OF HABEAS CORPUS calling for the records pertaining to the detention order in BCDFGISSSV No.61/2022 dated 25.04.2022 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the petitioner's son Samuvel, son of Kuppusamy, aged 32 years, now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Charles Kamalesh M.Appaji

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., Samuvel, son of Kuppusamy, aged 32 years. The detenu has been detained by the 2nd respondent by his order in BCDFGISSSV No.61/2022 dated 25.04.2022, 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.



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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 arrest intimation has not been 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 No.72 of the booklet, it is clear that the arrest intimation has not been translated in



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vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.61/2022 dated 25.04.2022, passed by the second respondent is set aside. The detenu viz., Samuvel, son of Kuppusamy, aged 32 years, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.] [N.A.V., J.]
02.01.2023

nsd



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- 1.The Secretary to the Government,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Police,
Tambaram City, Chennai.
- 3.The Inspector of Police,
G-9, Thazhambur Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison, Puzhal,
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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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

nsd

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