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H.C.P.No.1132 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2023

CORAM

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

H.C.P.No.1132 of 2022

Mubarak

.. Petitioner

Vs.

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

2.The District Collector and District Magistrate,
Vellore District, Vellore - 9.

3.The Superintendent of Police,
Vellore District, Vellore - 9.

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

5.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.

.. Respondents



H.C.P.No.1132 of 2022

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

issue a WRIT OF HABEAS CORPUS call for the records in connection with the order of detention passed by the second respondent dated 03.06.2022 in C3/D.O.No.73/2022 against the petitioner/detenu Mubarak, male, aged 24 years, S/o.Ezha, who is confined at the Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the detenu viz., Mubarak, male, aged 24 years, S/o.Ezha. The detenu has been detained by the 2nd respondent by his order in C3/D.O.No.73/2022 dated 03.06.2022, 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 fully 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 learned 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.37 and 38 of the booklet, it is clear that the arrest intimation has not been fully



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translated in 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 C3/D.O.No.73/2022 dated 03.06.2022, passed by the second respondent is set aside. The detenu *viz.*, Mubarak, male, aged 24 years, S/o.Ezha, 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.,

04.01.2023



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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Vellore District, Vellore - 9.
- 3.The Superintendent of Police,
Vellore District, Vellore - 9.
- 4.The Superintendent of Prison,
Central Prison, Vellore.
- 5.The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
- 6.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai-9.
- 7.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

nsd

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