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H.C.P.No.1169 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.01.2023

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

H.C.P.No.1169 of 2022

Sasikala

Vs.

.. Petitioner

1. State of Tamil Nadu Represented
by Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai-9

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

3. The Inspector of Police,
S-16, Perumbakkam Police Station,
Chennai 600 131

4. The Superintendent of Police,
Central Prison, Puzhal,
Chennai 600 066.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying
to issue a WRIT OF HABEAS CORPUS to call for the records relating to



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the detention order passed by the 2nd Respondent pertaining to the detention made in BCDFGISSSV.NO.93/2022 DATED 28.05.2022 is detaining the detenue under 2 (F) of Tamil Nadu Act of 1982 as a GOONDA and quash the same and direct the Respondents to produce the detenu SIVA @ SPEED SIVA S/O.KALIMUTHU AGED ABOUT 39 YEARS, who is detained at the Central Prison, Puzhal Chennai before this Court and set him at Liberty.

For Petitioner : Mr.P.Sundara Rajan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Siva @ Speed Siva aged about 39 years, S/o.Kalimuthu. The detenu has been detained by the 2nd respondent by his order dated 28.05.2022 in BCDFGISSSV No.93 of 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 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos. 215 and 217 of the booklet, it is clear that the arrest intimation has not been properly 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



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detention in BCDFGISSSV No.93 of 2022, passed by the 2nd respondent is set aside. The detenu viz.,Siva @ Speed Siva aged about 39 years, S/o.Kalimuthu, 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.]
09.01.2023

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P.N.PRAKASH, J.

AND

N.ANAND VENKATESH, J.

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To

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