



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.1189 of 2022

Sowmiya

.. Petitioner

Vs.

1. The Secretary to Government  
Home, Prohibition and Excise Department  
Secretariat, Fort St. George, Chennai-9
2. The Commissioner of Police/Detaining Authority  
Tiruppur City, Tiruppur District.
3. The Superintendent of Prison,  
Central Prison – Coimbatore,  
Coimbatore District.
4. State Rep by its  
The Inspector of Police,  
Anupparpalayam Police Station,  
Tiruppur District.

.. 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 the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide



H.C.P.No.1169 of 2022

detention order dated 02.06.2022 on the file of the second respondent herein made in proceedings memo C.No.44/G/IS/Tiruppur City / 2022 Quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely KALEESHWARAN S/o.Ramu aged 25 years before this Court and set the petitioner's husband at liberty from detention now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi  
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.*, Kaleeshwaran aged about 25 year, S/o.Kaleeswaran. The detenu has been detained by the 2<sup>nd</sup> respondent by his order dated 02.06.2022 in C.No.44/G/IS/Tiruppur City 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.



H.C.P.No.1169 of 2022

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.120 and 121 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



H.C.P.No.1169 of 2022

detention in C.No.44/G/IS/Tiruppur City dated 02.06.2022, passed by the 2<sup>nd</sup> respondent is set aside. The detenu viz., KALEESHWARAN S/o.Ramu aged 25 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.]  
09.01.2023

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H.C.P.No.1169 of 2022

P.N.PRAKASH, J.

AND

N.ANAND VENKATESH, J.

rka

To

1. The Secretary to Government  
Home, Prohibition and Excise Department  
Secretariat, Fort St. George, Chennai-9
2. The Commissioner of Police/Detaining Authority  
Tiruppur City, Tiruppur District.
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H.C.P.No.1189 of 2022

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