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H.C.P.No.1366 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09..01..2023

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **N.ANAND VENKATESH**

Habeas Corpus Petition No.1366 of 2022

Jayammal
W/o.Mathiyalagan

.. Petitioner

Vs.

1.State of Tamilnadu Rep. by
The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police
Salem City.

3.The Superintendent of Police,
Central Prison,
Salem.

4.The Inspector of Police,
Veeranam Police Station,
Salem City.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of
India praying to issue a Writ of Habeas Corpus to call for the records



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relating to the order of detention passed by the 2nd respondent in C.M.P.No.50/Goonda/Salem City/2022 dated 30.05.2022 against the petitioner's son the detenu Pasupathy, aged 24 years, S/o.Mathialagan now confined in Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham

*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., Pasupathy Son of Mathialagan. The detenu has been detained by the second respondent by his order in C.M.P.No.50/Goonda/Salem City/2022 dated 30.05.2022, 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.

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



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other grounds to assail the order of detention, he has mainly focused 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 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.125 & 127 of the booklet, it is clear that the arrest intimation has not been fully 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 C.M.P.No.50/Goonda/Salem City/2022 dated 30.05.2022 passed by the second respondent is set aside. The detenu viz., Pasupathy, Son of Mathialagan, 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

Index: Yes/No
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- 3.The Superintendent of Police,
Central Prison,
Salem.
- 4.The Inspector of Police,
Veeranam Police Station,
Salem City.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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