



WEB COPY



HCP No.1386 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1386 of 2022

Mullaram
S/o.Jotha Ram

... Petitioner

Vs.

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

2.The Commissioner of Police,
Salem City, Salem District.

3.The Superintendent,
Central Prison, Salem - 636 007.

4.State represented by
The Inspector of Police,
Salem Town Police Station,
Salem District.
Crime No.86 of 2022

... Respondents



HCP No.1386 of 2022

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records leading to the detention of petitioner's son, the detenu, Jairam S/o.Mullaram, aged 22 years, Door No.2nd Agraharam, Mohanraj Hospital backside, Salem 1, Salem District, presently detained at Central Prison, Salem, under Act 14/1982, branded as 'Goonda' vide the detention order dated 22.06.2022 in C.M.P.No.63/Goonda/Salem City/2022 on the file of the second respondent herein, directing to produce the person or body of the detenu Jairam S/o.Mullaram, aged 22 years, before this Court and thereafter, set him at liberty from Central Prison, Salem, by setting aside the order.

For Petitioner : Mr.B.Vasudevan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the wife of the detenu, Jairam S/o.Mullaram, aged 22 years. The detenu has been detained by the second respondent by his order in C.M.P.No.63/Goonda/Salem City/2022 dated 22.06.2022, 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 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 remand order pertaining to the ground case has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, 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.76 and 77 of the booklet, it is clear that the remand order pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.63/Goonda/Salem City/2022 dated 22.06.2022, passed by the second respondent is set aside. The detenu, viz., Jairam S/o.Mullaram, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
10.01.2023

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police,
Salem City, Salem District.
- 3.The Superintendent,
Central Prison, Salem - 636 007.
- 4.The Inspector of Police,
Salem Town Police Station,
Salem District.
- 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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