



HCP No.1396 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

Coram

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

H.C.P.No.1396 of 2022

Mohanambal
W/o.Eswaran

... Petitioner

Vs.

- 1.State of Tamil Nadu Rep. By its
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Police,
Salem City.
- 3.The Superintendent of Police,
Central Prison, Salem.
- 4.The Inspector of Police,
Annadanapatty Police Station,
Salem City.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records pertaining to the detention order passed by the 2nd respondent in C.M.P.No.48/Goonda/Salem City/2022 dated 26.05.2022 and set aside the same and direct the respondents to produce the petitioner's son namely Boopathi, S/o. Eswaran, aged about 31 years, who is now confined in Central Prison at Salem, before this Court and set him at liberty.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, Boopathi S/o.Eswaran, aged about 31 years. The detenu has been detained by the second respondent by his order in C.M.P.No.48/Goonda/Salem City/2022 dated 26.05.2022, 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.



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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 arrest intimation 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.93 and 94 of the booklet, it is clear that the arrest intimation 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.48/Goonda/Salem City/2022 dated 26.05.2022, passed by the second respondent is set aside. The detenu, viz., Boopathi S/o.Eswaran, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
02.01.2023

Index: Yes/No
SSR

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The Commissioner of Police,
Salem City.
- 3.The Superintendent of Police,
Central Prison, Salem.
- 4.The Inspector of Police,
Annadanapatty Police Station,
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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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P.N.PRAKASH, J.
and
N.ANAND VENKATESH, J.

SSR

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