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H.C.P.No.1442 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**

Habeas Corpus Petition No.1442 of 2022

Kala
W/o.Kasi

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil nadu,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
Tambaram Police Commissionerate,
Medavakam Road,
Sholinganallur, Chennai – 600 119.

3.The Inspector of Police,
J-12, Kanathur Police Station,
(CCB, Tambaram City)
Tambaram District.

4.The Superintendent,
Central Prison,
Puzhal, Chennai District.

.. Respondents



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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 pursuant to the order in BCDFGISSSV No.95/2022 dated 31.05.2022 passed by the 2nd respondent and quash the same consequently produce the detenu Kasi aged about 62 years S/o.Ganesan, before this Court and set him liberty and the detenu now confined in Central Prison, Puzhal, Chennai District.

For Petitioner : Mr.D.Arun

*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., Kasi, son of Ganesan. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.95/2022 dated 31.05.2022 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.



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3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused 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 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 No.73 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 detention in BCDFGISSSV No.95/2022 dated 31.05.2022 passed by the second respondent is set aside. The detenu viz., Kasi, Ganesan, 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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(CCB, Tambaram City)
Tambaram District.
- 4.The Superintendent,
Central Prison,
Puzhal, Chennai District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor,
High Court, Madras.



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