



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

Coram

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

H.C.P.No.1819 of 2022

Gouse Basha
S/o.Ismail

... Petitioner

Vs.

1.State of Tamil Nadu,
represented by the
Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of Police,
Tambaram City,
Tambaram, Chennai – 600 045.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai – 600 066.

4.The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai.

... 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 records relating to the detention order in Memo No.68/BCDFGISSSV/2022, dated 12.05.2022, passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Kalisha S/o.Koush Basha, aged about 22 years, the detenu, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.A.M.Meeran

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, Kalisha S/o.Koush Basha, aged about 22 years. The detenu has been detained by the second respondent by his order in Memo No.68/BCDFGISSSV/2022, dated 12.05.2022, 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 learned counsel for the petitioner and learned Additional Public Prosecutor 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 bail order in the similar case has not been fully 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.315 and 317 of the booklet, it is clear that the bail order in the similar case has not been 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 Memo No.68/BCDFGISSSV/2022, dated 12.05.2022, passed by the second respondent is set aside. The detenu, viz., Kalisha S/o.Koush Basha, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
04.01.2023

Index: Yes/No
gm/ssr

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The Commissioner of Police,
Tambaram City,
Tambaram, Chennai – 600 045.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai – 600 066.
- 4.The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai.



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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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