



WEB COPY



HCP No.2334 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.2334 of 2022

Chithra
W/o.Surendar

... Petitioner

Vs.

The State represented by its

1.The Additional Chief Secretary to Government
(Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Tamil Nadu Secretariat,
Fort St.George, Chennai - 600 009.

2.The District Magistrate and District Collector,
Namakkal District, Namakkal.

3.The Superintendent of Police,
Namakkal District, Namakkal.

4.The Superintendent of Prison,
Salem Central Prison,
Salem.



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5. The Inspector of Police,
Namakkal Police Station,
Namakkal.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records pertaining to the order of detention dated 07.06.2022 passed by the second respondent in C.M.P.No.13/Goonda/2022(M1) and quash the same and produce the detenu, Mavitha @ Surendar S/o.Pushparaj, aged about 27 years, detained at Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Ms.S.Lakshmi

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Mavitha @ Surendar S/o.Pushparaj, aged about 27 years. The detenu has been detained by the second respondent by his order in C.M.P.No.13/Goonda/2022(M1) dated 07.06.2022, 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.

2. We have heard the learned counsel appearing for the petitioner and



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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.123 and 124 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.

In the result, the Habeas Corpus Petition is allowed and the order of



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detention in C.M.P.No.13/Goonda/2022(M1) dated 07.06.2022, passed by the second respondent is set aside. The detenu, viz., Mavitha @ Surendar S/o.Pushparaj, aged about 27 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 Additional Chief Secretary to Government
(Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Tamil Nadu Secretariat,
Fort St.George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Namakkal District, Namakkal.
- 3.The Superintendent of Police,
Namakkal District, Namakkal.
- 4.The Superintendent of Prison,
Salem Central Prison,
Salem.
- 5.The Inspector of Police,
Namakkal Police Station,

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Namakkal.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

7.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.
and



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N.ANAND VENKATESH, J.

gm

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