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H.C.P.No.2010 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.2010 of 2023

Thanikachalam
S/o Rathinavel

..

Petitioner

v.

1. The Secretary to Government
Home, Prohibition Excise Department
Fort St.George
Chennai 600 009

2. The Commissioner of Police
Greater Chennai

3. The Superintendent of Prison
Central Prison, Puzhal, Chennai

4. The Inspector of Police
J-8, Neelankarai Police Station

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 07.07.2023 in BCDFGISSSV No.303/2023 against the petitioner's son



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Thiru.Prabakaran, Male aged about 27 years, son of Thanikachalam, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner :: Mr.M.Illiyas

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner, who is the father of the detenu, namely, Prabakaran, aged 27 years, S/o Thanikachalam, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 07.07.2023 slapped on his son, branding him as 'Goonda' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard the learned counsel appearing for the petitioner and the



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learned Additional Public Prosecutor appearing for the respondents.

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3. Though several grounds are raised in the petition, the learned counsel appearing for petitioner confined his argument to the point that the detenu is furnished with the improper translation of the arrest report filed under Section 62 of Cr.P.C., which vitiates the order of detention.

4. This Court, on perusal of the records, finds that in the English version of the arrest report under Section 62 of Cr.P.C., concerning the ground case, the offence alleged against the detenu is under Sections 323, 427, 397, 336, 506 IPC. Whereas in the Tamil version, the offence is shown to be under Sections 323, 427, 397, 336, 323, 324, 506(2) IPC. Hence, this Court is convinced with the statement of the learned counsel for petitioner that the improper translation of the arrest report vitiates the order of detention.

5. In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 07.07.2023 in BCDFGISSSV No.303/2023 is hereby



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set aside and the habeas corpus petition is allowed. The detenu viz.,
Prabakaran, S/o Thanikachalam, aged 27 years, is directed to be set at
liberty forthwith, unless he is required in connection with any other case.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

11.12.2023

SS

To

1. The Secretary to Government
Home, Prohibition & Excise Department
Fort St.George
Chennai 600 009
2. The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai
4. The Inspector of Police
J-8, Neelankarai Police Station
Chennai
5. The Public Prosecutor
High Court, Madras



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