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H.C.P.No.2643 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**

Habeas Corpus Petition No.2643 of 2022

Nagammal

..... Petitioner

-Versus-

State Rep. by

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.

2.The Commissioner of Police,
Salem City.

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

4.The Inspector of Police,
Shevapet Police Station,
Salem.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in CMP.No.62/Goonda/Salem City/2022 dated 17.06.2022 on the file of the Commissioner of Police Salem City the second respondent herein and quash the same as illegal and direct the respondents to produce the detenu Muthu, S/o. Kaliyaperumal, aged about 32 years, now confined at Central prison Salem, before this court and set him at liberty.

For Petitioner : Ms.S.Sengkodi

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the mother-in-law of the detenu viz., Muthu, son of Kaliyaperumal, aged 32 years. The detenu has been detained by the second respondent by his order in C.M.P.No.62/Goonda/Salem City/2022 dated 17.06.2022, 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.



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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 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.88 and 89 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.



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(P.N.P., J.) (N.A.V.,J.)
10..01..2023

Index: Yes/No
gm



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To

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1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai-9.
2. The Commissioner of Police,
Salem City.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Shevapet Police Station,
Salem.
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.,

gm

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