



HCP(MD)No.1891 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.1891 of 2022

R.Santhi

.. Petitioner /mother of the Detenu

Vs.

1.Government of Tamil Nadu,
Represented by The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the detention order of the second respondent in Detention Order C.No. 150/detention/C.P.O/T.C/2022 on 19.10.2022 and detained at Central Prison, Tiruchirappalli and quash the same and direct the respondents to



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produce the body or person of petitioner's son namely Nagaraj Male aged about 22/2022 years son of Rajendran, now confined at Central Prison, Tiruchirappalli and set him at liberty forthwith.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Nagaraj, aged about 22 years, S/o.Rajendran. The detenu has been detained by the second respondent by his order in C.No.150/Detention/C.P.O/T.C/2022 dated 19.10.2022 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 his argument on the ground that the Government Order in G.O.(D).No.291, Home, Prohibition and Excise (XVI) Department dated 13.10.2022 has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter. It is further submitted that investigation has been completed in this case and final report has been filed in P.R.C.No.46/2023 and the same is pending before the Judicial Magistrate Court No.II, Trichy.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page Nos.103 and 104 of the booklet, it is clear that the Government Order in G.O.(D).No.291, Home, Prohibition and Excise (XVI) Department dated 13.10.2022 has not



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been translated in vernacular language. Hence, the impugned detention order is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.150/detention/C.P.O/T.C/2022 dated 19.10.2022 passed by the second respondent is set aside. The detenu, viz., Nagaraj, S/o.Rajendran, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
17.07.2023

NCC : Yes / No
Index : Yes / No
Lm/mbi



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2. The Commissioner of Police,
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3. The Superintendent,
Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

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