



H.C.P(MD)No.2091 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P(MD)No.2091 of 2022

S.Rajalekshmi

.. Petitioner

vs.

1.Government of Tamilnadu,
Rep. by the Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

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

3.The Superintendent,
Central Prison, Thiruchirappalli.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the entire records connected with the detention order of the second respondent in C.No. 168/Detention/C.P.O/T.C/2022 dated 24.11.2022 and quash the same and direct the respondents to produce the body or person of the petitioner's son,



H.C.P(MD)No.2091 of 2022

namely, Saravanan, S/o.Selvam, male, aged 30/2022 now confined at Central Prison, Tiruchirappalli and set him at liberty forthwith.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

The petitioner is the mother of the detenu viz., Saravanan, S/o.Selvam, aged about 30 years. The detenu has been detained by the second respondent by order in C.No.168/Detention/C.P.O/T.C/2022 dated 24.11.2022 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.



3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his arguments 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 that sole ground, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor would submit that on completion of investigation, charge sheet has been filed in P.R.C.No.18 of 2023 and 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.121 and 122 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 been translated in vernacular language. Hence, the impugned detention order is liable to be set aside.



H.C.P(MD)No.2091 of 2022

WEB COPY

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.168/Detention/C.P.O/T.C/2022, dated 24.11.2022 passed by the second respondent is set aside. The detenu, viz., Saravanan, S/o.Selvam, aged about 30 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.)

21.07.2023

NCC : Yes/No

Index : Yes/No

Speaking/Non-speaking order

mbi



H.C.P(MD)No.2091 of 2022

To

WEB COPY

- 1.The Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Office of the Commissioner Office,
Tiruchirappalli City,
Tiruchirappalli.
- 3.The Superintendent,
Central Prison, Thiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Joint Secretary,
Public (Law and Order) Department,
Fort St.George, Chennai.



WEB COPY



H.C.P(MD)No.2091 of 2022

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

mbi

H.C.P(MD)No.2091 of 2022

21.07.2023