



HCP(MD)No.2095 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P.(MD)No.2095 of 2022

Ananthi

... Petitioner

Vs.

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

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

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

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records pertaining to the impugned Detention Order passed by the second respondent made in his proceedings in C.No.143/Detention/C.P.O/T.C/2022 dated 06.10.2022 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely, Gopal @ Kunju Gopal, S/o.Mohan, Male, aged about 27 years, who is detained in Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran
For Respondents : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Gopal @ Kunju Gopal, S/o.Mohan, aged about 27 years. The detenu has been detained by the second respondent by his order in C.No.143/Detention/C.P.O/T.C/2022



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dated 06.10.2022, 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.

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 dated 14.07.2022 has not been translated in vernacular language as well as there is no materials to substantiate the statement of the detaining authority in Paragraph No.4 of the detention order with regard to history sheet. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.



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4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.159 and 160 of the booklet, it is clear that the Government Order dated 14.07.2022 has not been translated in vernacular language and the statement with regard to history sheet made in Paragraph No.4 of the detention order, has also not been furnished. Thus, on these grounds, the impugned detention order is liable to be set aside.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.No.143/Detention/C.P.O/T.C/2022 dated 06.10.2022, passed by the second respondent is set aside. The detenu, viz., Gopal @ Kunju Gopal, S/o.Mohan, aged about 27 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.)
14.07.2023

Index: Yes/No
Internet : Yes
NCC : Yes /No
RM

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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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M.NIRMAL KUMAR,J.

RM/RR

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