



HCP.No.1950 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 27.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.1950 of 2024

Chandrika

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Vs

PETITIONER

- 1 The Principal Secretary To The Government,
Home, Prohibition And Excise Department,
Secretariat, Chennai-600 009.
- 2 District Collector And District Magistrate
Of Krishnagiri District,
Office Of The District Collector And
District Magistrate, Krishnagiri,
Krishnagiri District.
- 3 The Superintendent Of Police
Krishnagiri, Krishnagiri District.
- 4 The Superintendent Of Prison,
Central Prison, Salem, Salem District.
- 5 The Inspector Of Police
Berigai Police Station, Krishnagiri,
Krishnagiri District.

...

RESPONDENTS



HCP.No.1950 of 2024

WEB C PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to the detention order passed in S.C.No.12/2024 dated 29.04.2024 passed by the 2nd respondent under the TamilNadu Act 14 of 1982 Section and set aside the same and direct the respondents to produce the petitioner's son Prathap Vishwanath Gowda S/o.Narayanappa, aged about 24 years and now confined at Central Prison, Salem before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. P.M.Jayachandran
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the second respondent/The District Collector and District Magistrate, Krishnagiri District in S.C.No.12/2024 dated 29.04.2024 is sought to be quashed in the present Habeas Corpus Petition.



HCP.No.1950 of 2024

WEB COPY

2.A perusal of the documents relied on by the detaining authority would reveal that the detainee was arrested on 17.03.2024 and the impugned detention order has been issued on 29.04.2024, after the lapse of about one month. More so, there is a delay in passing the detention order.

3.Two cases are relied on for the purpose of issuing the impugned order. The first relied on case was registered in Crime No.0075/2021 by Malur Police, State of Karnataka. The second relied on case was registered in Crime No.0150/2023 by Masti Police, State of Karnataka. The ground case alone has been registered by the Berigai Police, Krishnagiri District. Therefore, the detaining authority invoked Act 14/1982 only on the basis of the ground case. More specifically, none of the documents relied on by the detaining authority has been translated into the language known to the detainee. The detainee is native of the State of Karnataka and the documents relied on has not been translated into Karnataka language, which caused prejudice to the interest of the detainee for submitting a representation in an effective manner, which is a valuable right provided to the detainee under the Act.



HCP.No.1950 of 2024

WEB COPY

4. Hence, for the aforesaid reason, the detention order passed by the second respondent/The District Collector and District Magistrate, Krishnagiri District in S.C.No.12/2024 dated 29.04.2024 is quashed and the Habeas Corpus Petition is allowed. The detinue, viz., Prathap Vishwanath Gowda S/o.Narayanappa, aged about 24 years, now confined at Central Prison, Salem, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

27.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp
To

- 1 The Principal Secretary To The Government,
Home, Prohibition And Excise Department,
Secretariat, Chennai-600 009.
- 2 District Collector And District Magistrate
Of Krishnagiri District,
Office Of The District Collector And
District Magistrate, Krishnagiri,
Krishnagiri District.



HCP.No.1950 of 2024

3 The Superintendent Of Police
Krishnagiri, Krishnagiri District.

4 The Superintendent Of Prison,
Central Prison, Salem, Salem District.

5 The Inspector Of Police
Berigai Police Station, Krishnagiri,
Krishnagiri District.

6 The Public Prosecutor,
High Court, Madras.



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HCP.No.1950 of 2024

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