

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.1996 of 2016

Selvi

...Petitioner

Vs

1. The State of Tamil Nadu,
rep by its Secretary to the Government,
Home, Prohibition & Excise (XVI) Department,
Fort. St. George, Secretariat,
Chennai-600 009
2. The District Collector and District Magistrate,
The Collector Office,
Coimbatore - 641 018
Coimbatore District
3. The Sponsoring Authority,
The Inspector of Police,
Pollachi West Police Station,
Coimbatore District

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of a Writ of Habeas Corpus to call for the records of the detaining authority, the District Collector and District Magistrate, Coimbatore, the second respondent herein made in Ref.Cr.M.P.No.10/G/2016/E1/dated 23.04.2016, detaining the detenu Saravanakumar, S/o Aruchamy, 19 years is a Goonda as contemplated under Sec.2(f) of the Tamil Nadu Act 14 of 1982 at Borstal School, Pudukottai District and set aside the same and the set the detenu at liberty forthwith.

For Petitioner : Mr. P. Kalimuthu

For respondents: Mr.V.M.R. Rajendran
Addl. Public Prosecutor

ORDER

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

The petitioner, who is the mother of the detenu Saravanakumar, aged about 19 years has come up with this habeas corpus petition, challenging the detention order passed against her son Saravana Kumar by the second respondent, vide proceedings No. Ref.Cr.M.P.No.10/G/2016/E1/dated 23.04.2016, branding him as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. Though, several grounds were raised in the petition, the learned counsel appearing for the petitioner would mainly focus on the ground that many papers in the booklet which are in English version were not properly translated in Tamil version.

4. We have gone through the same. The learned Additional Public Prosecutor would not dispute the said submission. We find that there is no proper translation from English version to Tamil version. This has resulted in the detenu being deprived of making an effective representation. Therefore, the detention order is vitiated and liable to be quashed on this ground alone.

5. In the light of the above facts and law, we have no hesitation in quashing the order of detention on the above mentioned ground. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in Memo Ref.Cr.M.P.No.10/G/2016/E1/dated 23.04.2016, passed by the 2nd respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sr

To

1. The Secretary to the Government,
The State of Tamil Nadu,
Home, Prohibition & Excise (XVI) Department,
Fort. St. George, Secretariat,
Chennai-600 009
 2. The District Collector and District Magistrate,
The Collector Office,
Coimbatore - 641 018
Coimbatore District
 3. The Sponsoring Authority,
The Inspector of Police,
Pollachi West Police Station,
Coimbatore District
 4. The Superintendent, Central Prison, Pudukottai
 5. The Joint Secretary to Government Public (Law & Order)
Fort St. George, Chennai-9
 6. The Public Prosecutor, High Court, Chennai.
 7. The Superintendent, Borstal School, Pudukottai.
- +1cc to Mr.P.Kalimuthu, Advocate sr.20165

rsy(co)
ss(17/4/2017)

H.C.P.No.1996 of 2016

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