

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1346 of 2019

Shanthi

... Petitioner

-vs-

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

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.

... Respondents

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 2nd respondent in No.272/BCDFGISSSV/2019 dated 22.05.2019 and quash the same and direct the respondents to produce the body and person of the petitioner's son namely Chakravarthy, son of Pillaiyar, aged about 32 years detained in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.Mohamed Ansar

For Respondents : Mr.R.Prathap Kumar
: Addl. Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu Chakravarthy, son of Pillaiyar, aged about 32years. The detenu has been detained by the second respondent by his order in No.272/BCDFGISSSV/2019 dated 22.05.2019, holding 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 perused the materials available on record.

3.Though 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 detaining authority, while detaining the detenu, has not furnished the legible copies of the document relied on by him and the remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4.On consideration of the submissions made on either side and upon perusal of the documents available on record, it is clear that the detaining authority, by providing illegible copy of the document, has taken away the rights of detenu to effectively defend himself against his detention. Apart from that, the remand order has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in No.272/BCDFGISSSV/2019 dated 22.05.2019, passed by the second respondent is set aside. The detenu, namely, Chakravarthy, son of Pillaiyar, aged about 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

mmi/ssm

To

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

2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600 007.
3. The Joint Secretary to the Government,
(Law & Order) Fort St George, Chennai-9
4. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
5. The Public Prosecutor,
High Court, Madras.

H.C.P. No.1346 of 2019

RR(CO)
GMY(05/11/2019)



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