



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2019

Coram

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

H.C.P. No.1596 of 2019

Mohanapriya ... Petitioner/Wife of the
detenue
-vs-

- 1.The Inspector of Police (L & O),
D-3, Podanur Police Station,
Coimbatore City.
- 2.The Commissioner of Police,
Detaining Authority,
Office of the Commissioner of
Police, Coimbatore City.
- 3.The Secretary to Government,
Home, Prohibition and Excise
Department,
Government of Tamil Nadu,
Chennai - 9.
- 4.The Superintendent of Prisons,
Central Prison, Coimbatore - 18.

... Respondents

Prayer:Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent vide Order No.C.No.30/G/IS/2019 dated 20.05.2019 against the petitioner's husband J.Rajam Babu, S/o.Jeyaram, aged about 32 years, presently detained and confined in Central Prison, Jail Road, Coimbatore - 18 and set aside the aforesaid impugned detention order and direct the respondents to produce the aforesaid detenue before this Court and set him at liberty.



WEB COPY

For Petitioner : Mr.S.R.Sundaram

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 wife of the detenu J.Rajam Babu, S/o.Jeyaram, aged about 32 years. The detenu has been detained by the second respondent by his order in C.No.30/G/IS/2019 dated 20.05.2019, 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 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 remand extension order at Page No.159 of the booklet furnished to the detenu 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 C.No.30/G/IS/2019 dated 20.05.2019, passed by the second respondent is set aside. The detenu, namely, J.Rajam Babu, S/o.Jeyaram, aged about 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise
Department,
Government of Tamil Nadu,
Chennai - 9.
- 2.The Joint Secretary to Government
Public Law & Order Fort St.George Chennai-9
- 3.The Commissioner of Police,
Detaining Authority,
Office of the Commissioner of
Police, Coimbatore City.
- 4.The Inspector of Police (L & O),
D-3, Podanur Police Station,
Coimbatore City.
- 5.The Superintendent of Prisons,
Central Prison, Coimbatore - 18.
- 6.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.R.Sundaram Advocate sr87287

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