

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

Coram

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

H.C.P. No.1485 of 2019

Anu Preethi ... Petitioner

-vs-

- 1.State represented by
The Secretary, Home,
Prohibition and Excise Department,
Fort St. George, Chennai-600009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No.332/BCDFGISSSV/2019, dated 17.06.2019 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Sakthivel, S/o.Ayyanar, aged about 26 years, the detenu, now confined in Central Prison, Puzhal, Chennai, before this Court and set the petitioner's husband at liberty.

For Petitioner : Mr.U.Yuvaraj

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 Sakthivel, S/o.Ayyanar, aged about 26 years. The detenu has been detained

by the second respondent by his order in No.332/BCDFGISSSV/2019 dated 17.06.2019, 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.332/BCDFGISSSV/2019 dated 17.06.2019, passed by the second respondent is set aside. The detenu, namely, Sakthivel, S/o.Ayyanar, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

सत्यमेव जयते

Sd/-

Assistant Registrar(J)

//True Copy//

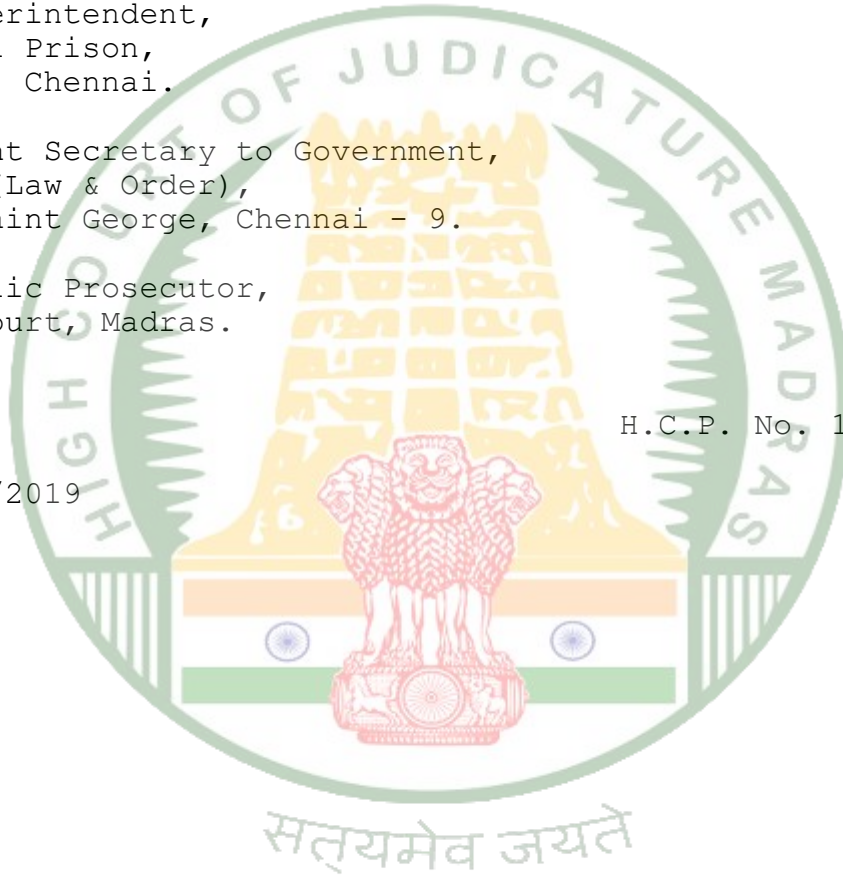
Sub Assistant Registrar

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600009.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1485 of 2019

srg 14/11/2019



WEB COPY