

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

Coram

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

H.C.P. No.1533 of 2019

Anupriya

W/o.Mayakrishnan

.. Petitioner/Wife of the Detenu

-vs-

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600009.

2.Commissioner of Police,
Vepery, Chennai.

... Respondents

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 in No.362/BCDFGISSSV/2019 dated 27.06.2019 against the detenu namely Mayakrishnan @ Pandian, Son of Anandan, aged about 28 years, who is now confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.M.Mohana 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 Mayakrishnan @ Pandian, Son of Anandan, aged about 28 years. The detenu has been detained by the second respondent by his order in No.362/BCDFGISSSV/2019 dated 27.06.2019, 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 remand extension 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 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.362/BCDFGISSSV/2019 dated 27.06.2019, passed by the second respondent is set aside. The detenu, namely, Mayakrishnan @ Pandian, Son of Anandan, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

AKM/12.12.19/2P-6C /

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