

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

Coram

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

H.C.P. No.1553 of 2019

Jothi

... Petitioner

-vs-

1.State of Tamil Nadu rep. by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai.

2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in Memo No.385/BCDFGISSSV/2019 passed by the second respondent on 09.07.2019 on the file of the second respondent and quash the same as illegal and consequently direct the respondent to produce Perumal @ Sadayandi, son of Velu, aged about 26 years before this Court, who is now detained in Central Prison, Puzhal II, Chennai and set him at liberty.

For Petitioner : Mr.A.Elumalai

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 Perumal @ Sadayandi, son of Velu, aged about 26 years. The detenu has been detained by the second respondent by his order in

No.385/BCDFGISSSV/2019 dated 09.07.2019, 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 at Page No.143 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 No.385/BCDFGISSSV/2019 dated 09.07.2019, passed by the second respondent is set aside. The detenu, namely, Perumal @ Sadayandi, son of Velu, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

// True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai.

2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

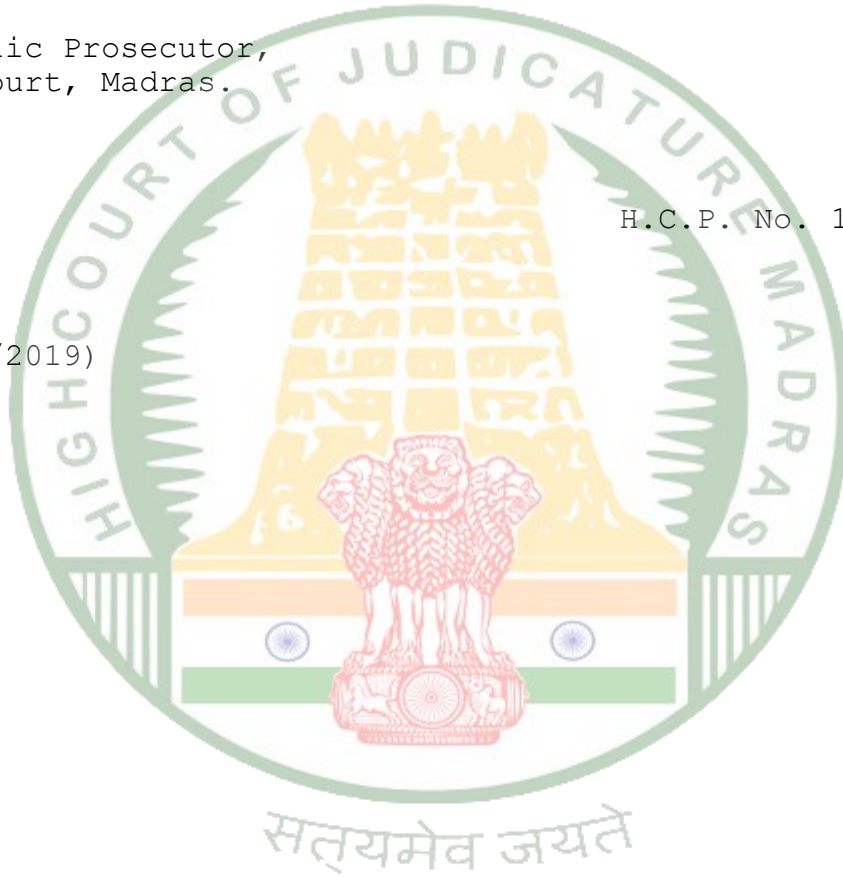
3.The Superintendent,
Central Prison,
Puzhal, Chennai.

4.The Joint Secretary to Government,
Public(Law and Order),
Secretriatic, Chennai-09.

5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1553 of 2019

MG (CO)
CSR(26/11/2019)



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