

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mrs. Justice R. HEMALATHA

H.C.P. No. 1612 of 2019

Madhan Raj

... Petitioner

-vs-

1. The State of Tamil Nadu
Rep. by the Secretary to the Government,
Prohibition & Excise Department,
Fort St.George,
Chennai - 600 009.

2. The Commissioner of Police,
Greater Chennai City,
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 records pertaining to the Memo No. 370/BCDFGISSSV/2019 dated 29.06.2019 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the petitioner's son Sarath @ Sarathkumar, son of Madhanraj, aged 26 years, now confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.K.M.Appaji

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

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ORDER

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

The petitioner is the father of the detenu, Sarath @ Sarathkumar, son of Madhanraj, male, aged 26 years. The detenu has been detained by the second respondent by his order Memo No. 370/BCDFGISSSV/2019 dated 29.06.2019, 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 also perused the records produced by the Detaining Authority.

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 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 Memo No. 370/BCDFGISSSV/2019 dated 29.06.2019, passed by the second respondent is set aside. The detenu, namely, Sarath @ Sarathkumar, son of Madhanraj, male, aged 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

mmi/ssm

To

1. The Secretary to the Government,
Prohibition & Excise Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.

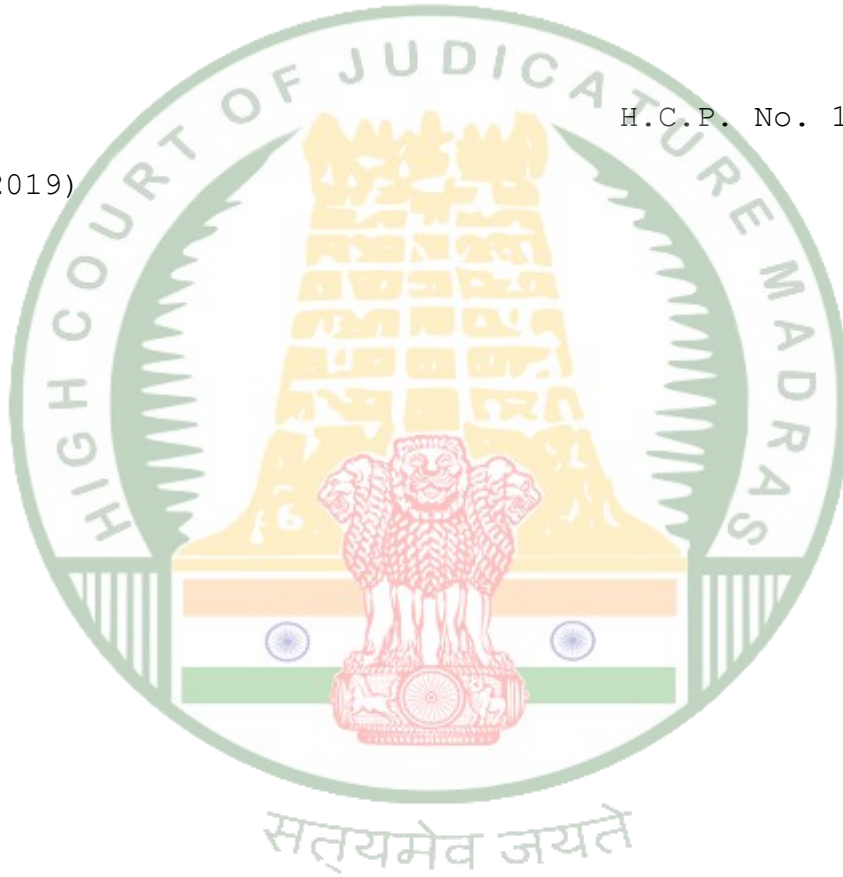
3.The Superintendent,
Central Prison,Puzhal, Chennai.

4.The Joint Secretary to Government
Public (Law and order)
Fort. St. George
Chennai 9.

5.The Public Prosecutor,
High Court, Madras

H.C.P. No. 1612 of 2019

SP(21/11/2019)



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