

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.NO.1697 OF 2019

Esthar Sugunawathi

... Petitioner/
Mother of the Detenu

-vs-

1. The State of Tamil Nadu
rep. by Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records of the second respondent in connection with order Memo No.329/BCDFGISSSV/2019 dated 15.06.2019 and quash the same and produce petitioner's son Ruban, S/o.Stalin, aged about 24 years, now detained in Central Prison, Puzhal, Chennai - 66 under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr.P.K.Ilavarasan

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 mother of the detenu - Ruban, S/o.Stalin, aged about 24 years. The detenu has been detained by the second respondent by his order in No.329/BCDFGISSSV/2019 dated 15.06.2019, 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 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 Memo No.329/BCDFGISSSV/2019 dated 15.06.2019, passed by the second respondent is set aside. The detenu, namely, Ruban, S/o.Stalin, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Home,Prohibition and Excise Department,
Secretariat,Chennai - 9.
2. The Commissioner of Police,
Greater Chennai, Vepery,Chennai - 7.
3. The Superintendent,
Central Prison,Puzhal,Chennai.
4. The Public Prosecutor, High Court, Madras.

H.C.P.No.1697 of 2019

EV(CO)
CS/26/12/2019