

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

Coram

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

H.C.P. No. 1922 of 2019

Saranya

... Petitioner

-vs-

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

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.514/BCDFGISSSV/2019 passed by the second respondent on 21.08.2019 on the file of the second respondent and quash the same as illegal and consequently direct the respondents to produce Murugesan, son of Velayutham, aged about 27 years, before this Court who now detained in Central Prison, Puzhal-II, 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, Murugesan, son of Velayutham, aged about 27 years. The detenu has been detained by the second respondent by his order in No.514/BCDFGISSSV/2019 dated 21.08.2019, 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 the 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 especially Page No.151, 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 No.514/BCDFGISSSV/2019 dated 21.08.2019, passed by the second respondent is set aside. The detenu, namely, Murugesan, son of Velayutham, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

mmi/ssm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

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

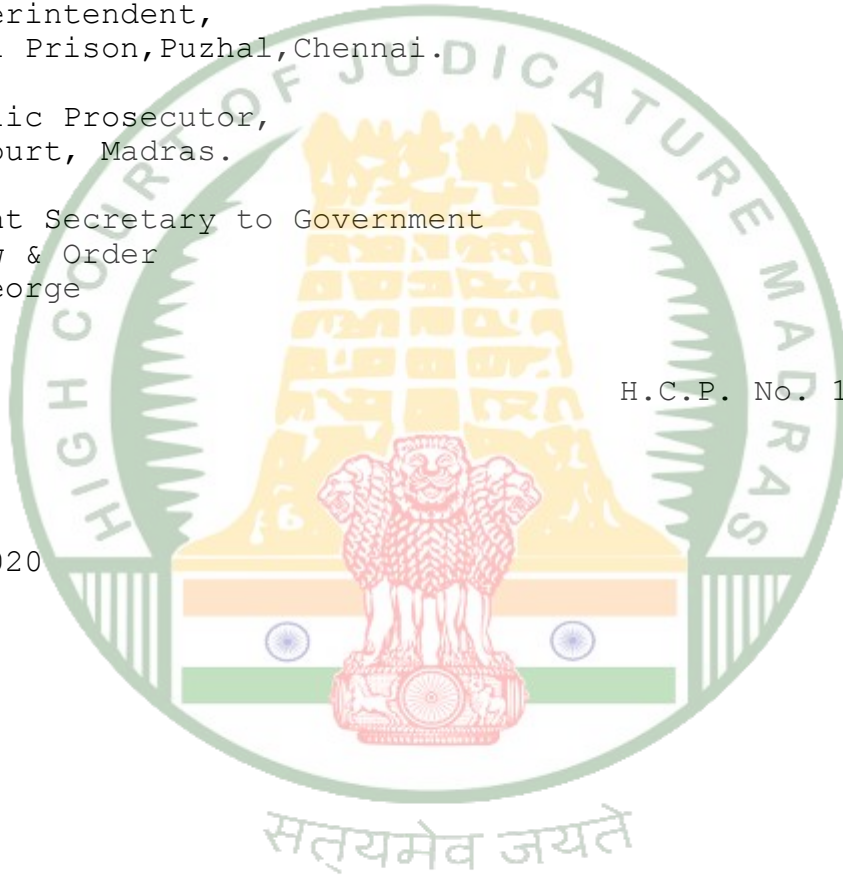
3.The Superintendent,
Central Prison,Puzhal,Chennai.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government
Public Law & Order
Fort St.George
Chennai-9

H.C.P. No. 1922 of 2019

mp(co)
aa10/03/2020



WEB COPY