



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

Coram

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

H.C.P. No. 1953 of 2019

Dhanasekar

... Petitioner

-vs-

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent 14.08.2019 in BCDFGISSSV No.491/2019 against the petitioner's son Dillibabu, male, aged about 22 years, son of Dhanasekar, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

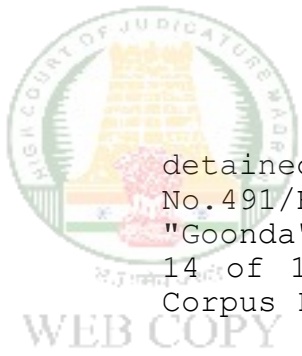
For Petitioner : Mr.M.Illiyas

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 father of the detenu, Dillibabu, S/o. Dhanasekar, male, aged 22 years. The detenu has been



detained by the second respondent by his order in Memo No.491/BCDFGISSSV/2019 dated 14.08.2019, 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, 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.491/BCDFGISSSV/2019 dated 14.08.2019 passed by the second respondent is set aside. The detenu, namely, Dillibabu, S/o. Dhanasekar, male, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

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



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

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

4. The Joint Secretary to Government,
Public(Law & Order), Fort St. George, Chennai-9.

5. The Additional Public Prosecutor,
High Court, Madras.

H.C.P. No. 1953 of 2019

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nr 09/01/2020