



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

Coram

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

H.C.P. No. 1984 of 2019

Thimmakkal

... Petitioner

-vs-

1.The State of Tamil Nadu

Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,

Detaining Authority,
Coimbatore City.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to produce the body of the detenu namely K.Balakrishnan @ Balu, Son of Kondappan, aged about 25 years who is confined at Central Prison, Coimbatore before this Court and set him at liberty forthwith by calling for the records pertaining to the detention order dated 04.04.2019 made in C.No.16/G/IS/2019 passed by the second respondent and quash the same as illegal, incompetent and ultravires.

For Petitioner : Mr.K.Suthan

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, K.Balakrishnan @ Balu, Son of Kondappan, aged about 25 years. The detenu has been detained by the second respondent by his order in C.No.16/G/IS/2019 dated 04.04.2019, 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 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 C.No.16/G/IS/2019 dated 04.04.2019, passed by the second respondent is set aside. The detenu, namely, K.Balakrishnan @ Balu, Son of Kondappan, aged about 25 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,
Detaining Authority,
Coimbatore City.

3. The Superintendent,
Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

5. The Joint Secretary to Government,
Public Law and Order
Fort St. George, Chennai-09.

+1cc to Mr.K.Suthan, Advocate, SR.No.98791.

H.C.P. No. 1984 of 2019

PA(CO)
CSR: 09.01.2020