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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

Coram

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

H.C.P. No. 1972 of 2019

Selvakumari

... Petitioner

-vs-

1.The State of Tamil Nadu

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

2.The Commissioner of Police,

Chennai Chennai Police,
Vepery, Chennai - 600 007.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records, relating to petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 14.08.2019 on the file of the second respondent herein made in proceedings No.494/BCDFGISSSV/2019 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's brother namely Selvakumar @ Honestraj, son of Selvam, aged 23 years, before this Court and set the petitioner's brother at liberty from detention, now petitioner's brother detained at Central Prison, Puzhal, Chennai - 600 066.

For Petitioner : Mr.C.C.Chellappan

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 sister of the detenu, Selvakumar @ Honestraj, son of Selvam, aged 23 years. The detenu has been detained by the second respondent by his order in No. 494/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 especially Page No.130, 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. 494/BCDFGISSSV/2019 dated 14.08.2019, passed by the second respondent is set aside. The detenu, namely, Selvakumar @ Honestraj, son of Selvam, aged 23 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,
Secretariat, Chennai - 600 009.

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

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

4. The Public Prosecutor,
High Court, Madras.

5. The Joint Secretary to Government,
Public Law and Order, For St. George,
Secretariat, Chennai - 600 009.

H.C.P. No. 1972 of 2019

PA (CO)

CSR: 09.01.2020