

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.180 of 2020

Bhama ... Petitioner/Mother of detenu

Vs

1.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2.The District Magistrate and District Collector,
Namakkal District,
Namakkal.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in C.M.P.No.22/Goonda/2019/M1 dated 24.10.2019 in detaining the detenu under Section 2 (f) of the Tamil Nadu Act 14 of 1982 as a Goonda and quash the same and direct the respondents to produce the detenu namely Kumaravel @ Naveen S/o.Mahalingam, Male aged about 24 years, who is detained in Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran.

For Respondents: Mr. R. Prathap Kumar,
Additional Public Prosecutor.

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O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in C.M.P.No.22/Goonda/2019/M1 dated 24.10.2019 under the Tamil

Nadu Act 14 of 1982 as he has got five adverse cases apart from one ground case registered against him for various offences.

3.Heard Mr.K.M.Karunakaran, learned Counsel appearing for the Petitioner and Mr. R. Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is seen from the records that the remand order and remand extension orders of ground case are not translated in Tamil in the booklet supplied to the detainee and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in C.M.P.No.22/Goonda/2019/M1 dated 24.10.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Kumaravel @ Naveen S/o.Mahalingam, Male aged about 24 years, who is detained in Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The District Magistrate and District Collector,
Namakkal District,
Namakkal
- 3.The Superintendent of Prison,
Central Prison,
Salem.
- 4.The Joint Secretary,
Public (Law and Order) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

5.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.180 of 2020

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