

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P.No.419 of 2020

Iswarya

...Petitioner

vs.

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

2. District Collector and
District Magistrate,
Ranipet District,
Ranipet-1

...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 dated 17.02.2020 in B3-D.O.No.17/2020 against the petitioner husband Chithambaram, male aged 29 years, S/o.Ganapathi, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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 Chithambaram, S/o.Ganapathi, aged about 29 years, who is the detenu. The detenu has been detained by the second respondent by his order in B3-D.O.No.17/2020, dated 17.02.2020, holding him to be a "Sand Offender", as contemplated under Section 2(gg) 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 bail order in the similar case 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 Nos.84 and 85 of the booklet, it is clear that the bail order in the similar case 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 B3-D.O.No.17/2020, dated 17.02.2020 passed by the second respondent is set aside. The detenu, namely, Chithambaram, S/o.Ganapathi, aged about 29 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Home, Prohibition Excise Department,
Fort St.George,
Chennai-600 009
2. The District Collector and
District Magistrate,
Ranipet District, Ranipet-1.
3. The Superintendent,
Central Prison, Vellore.
4. The Joint Secretary to Government,
Public(Law & Order) Fort Saint George,
Chennai.

5. The Public Prosecutor,
High Court, Madras.

H.C.P. No.419 of 2020

RSV(CO)
RV(09/11/2020)



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