

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.415 of 2020

Settu ... Petitioner/
Uncle of the Detenuue

Vs

- 1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.
- 2.District Collector & District Magistrate
Tiruvannamalai District,
Tiruvannamalai.

... 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 in connection with the order of detention passed by the second respondent dated 17.02.2020 in D.O.No.05/2020-C2 against the petitioner son in law Arjunan, Male aged 30 years S/o.Lakshmanan, 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,
Additional Public Prosecutor.

ORDER

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Petitioner who is the uncle of the detenu has challenged the detention order passed against the detenu in D.O.No.05/2020-C2 dated 17.02.2020 by the Second Respondent, terming him as 'Bootlegger' under Section 2 (b) of Tamil Nadu Act 14 of 1982 based on the ground case registered against him.

3.Heard Mr.D.Balaji, 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 ground case's Forensic Department analysis report referred in the grounds of detention occurring in Page Numbers 137 & 138 of the booklet has not been translated and supplied to the detenu 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 D.O.No.05/2020-C2 dated 17.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Arjunan, Male aged 30 years S/o.Lakshmanan, who is confined at Central Prison, Vellore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.
- 2.District Collector & District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Superintendent of Prison,
Central Prison,
Vellore.

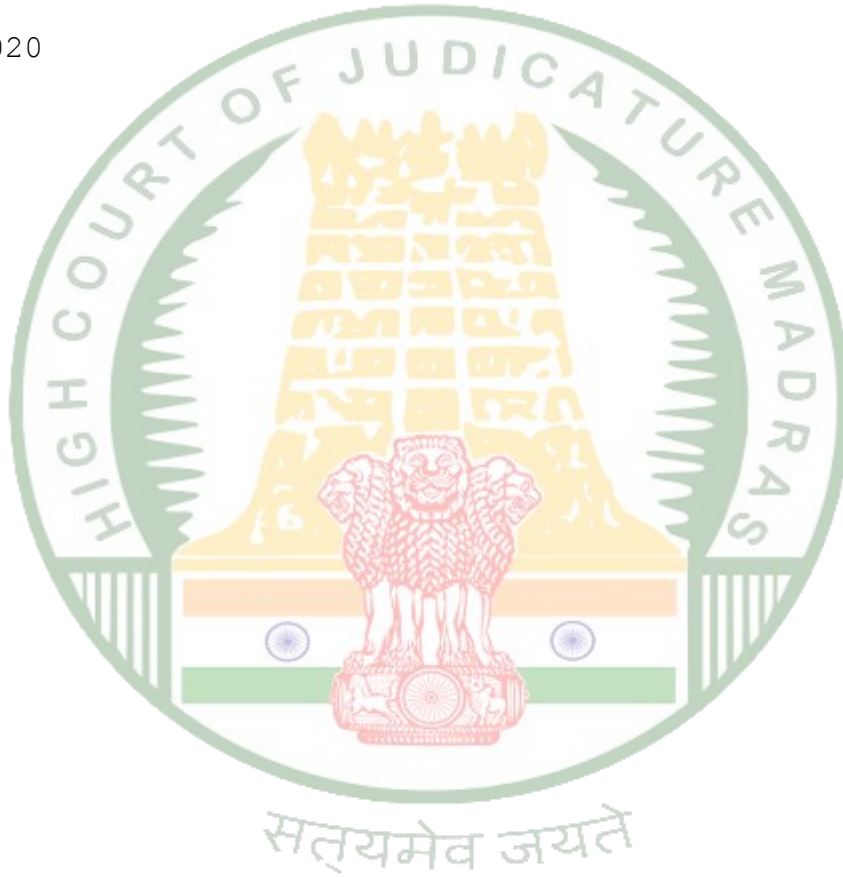
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4.The Public Prosecutor,
High Court of Madras,
Chennai.

5.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St.George
Chennai - 600 009.

H.C.P.No.415 of 2020

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