

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

Coram

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

H.C.P. No. 643 of 2020

Santhi ...Petitioner/  
Mother of the Detenue

-vs-

1. The Secretary to Government  
Home Prohibition and Excise Department  
Secretariat, Chennai 600 009
  2. District Collector and District  
Magistrate,  
Tiruvannamalai District,  
Tiruvannamalai.
  3. The Superintendent of Police,  
Tiruvannamalai District,  
Tiruvannamalai.
  4. The Superintendent of Prison,  
Central Prison, Vellore - 2.
  5. The Inspector of Police,  
Chetpet Police Station,  
Tiruvannamalai District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 05.03.2020 in D.O.No.16/2020-C2 against the petitioner's son Gopi, male, aged 23 years, S/o.Kali, 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 mother of Gopi, aged 23 years, S/o.Kali who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.16/2020-C2 dated 05.03.2020, 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 and we have also perused the records carefully.

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 especially Page Nos.56 & 57 of the booklet, 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 D.O.No.16/2020-C2 dated 05.03.2020, passed by the second respondent is set aside. The detenu, namely, Gopi, aged 23 years, S/o.Kali 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

mmi/ssm

To

- 1.The Secretary to Government  
Home Prohibition and Excise Department  
Secretariat, Chennai 600 009
- 2.The District Collector and District  
Magistrate,  
Tiruvannamalai District,  
Tiruvannamalai.
- 3.The Superintendent of Police,  
Tiruvannamalai District,  
Tiruvannamalai.
- 4.The Superintendent of Prison,  
Central Prison, Vellore - 2.
- 5.The Inspector of Police,  
Chetpet Police Station,  
Tiruvannamalai District.
- 6.The Public Prosecutor,  
High Court, Madras.

SR(CO)  
RMP(27/11/2020)

H.C.P. No. 643 of 2020



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