

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

Coram

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

H.C.P. No. 651 of 2020

R.Poongothai ... Petitioner/mother of the detenu

-vs-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 600 007.
- 3.The Inspector of Police,
P.5, MKB Nagar Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison, Vellore. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus call for the records in Connection with the order of detention passed by the second respondent 20.02.2020 in Memo No. 117 / BCDFGISSSV / 2020 against the petitioner's son Praveenraj @ Karuppu Ajith, Son of Raji, aged about 24 years, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.V.Parthiban

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

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ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the mother of Praveenraj @ Karuppu Ajith, S/o.Raji, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No. 117/BCDFGISSSV/2020, dated 20.02.2020 holding him 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 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 order in the ground 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. 49 & 50 of the booklet, it is clear that the remand order in the ground 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 Memo No. 117 / BCDFGISSSV / 2020 dated 20.02.2020 passed by the second respondent is set aside. The detenu, namely Praveenraj @ Karuppu Ajith, S/o.Raji, aged about 24 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CJ conf)

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Sub Assistant Registrar

mmi/ssm

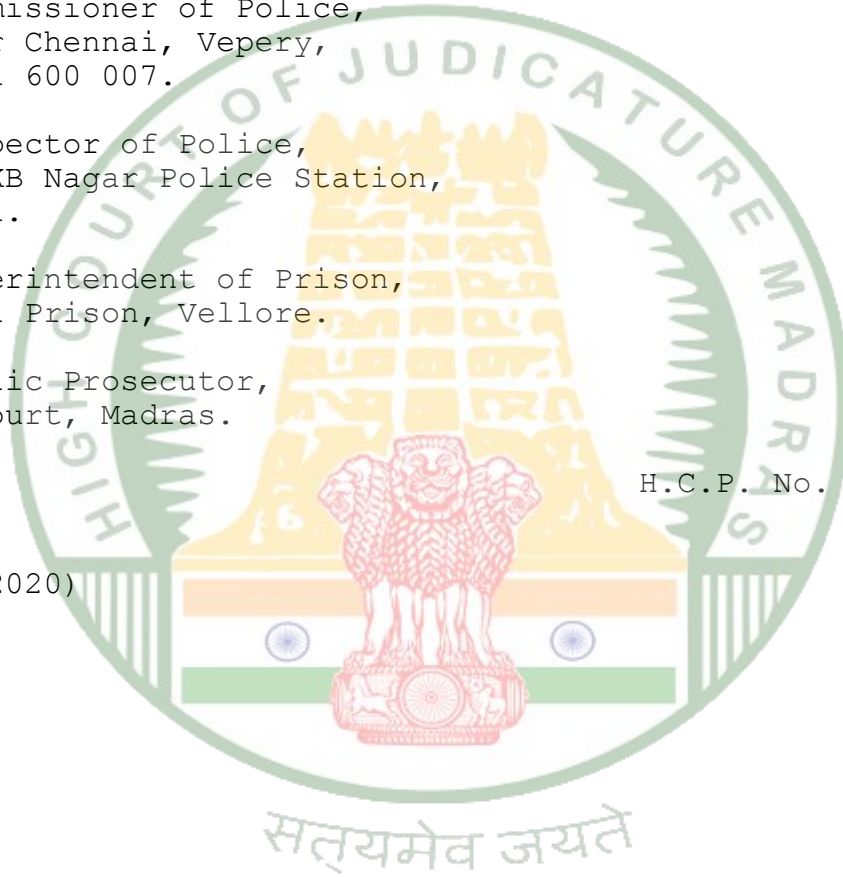
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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The Joint Secretary to Govt.,
Public Law & Order,
Fort St.George, Chennai-9.
- 3.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 600 007.
- 4.The Inspector of Police,
P.5, MKB Nagar Police Station,
Chennai.
- 5.The Superintendent of Prison,
Central Prison, Vellore.
- 6.The Public Prosecutor,
High Court, Madras.

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PVS (CO)
CB(03/11/2020)



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