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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. 625 of 2020

Pragathi

.. Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009

2.The District Magistrate/District Collector,
Master Plan Complex,
Collector's Office,
Tiruvallur District,
Tiruvallur.

3.The Superintendent of Police,
Office of Superintendent of Police,
Tiruvallur District.

4.The Superintendent of Prison,
Central Prison-II, Puzhal,
Chennai-600 066

5.The Inspector of Police,
Sholavaram Police Station,
Thiruvallur district

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records connected with the detention order of the 2nd respondent in BCDFGISSSV No.07/2020 dated 06.03.2020 and quash the same and direct the respondents to produce the body and person of the petitioner's husband namely Kumar, son of Ramesh, aged about 27 years, detained in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.S.Prem Kumar
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 Kumar, son of Ramesh, aged about 27 years, who is the detenu. The detenu has been detained by the second respondent in BCDFGISSSV No.07/2020 dated 06.03.2020, 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. 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 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.85 & 86 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 BCDFGISSSV No.07/2020 dated 06.03.2020, passed by the second respondent is set aside. The detenu, namely, Kumar, son of Ramesh, aged about 27 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



mmi/ssm

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009
- 2.The District Magistrate/District Collector,
Master Plan Complex,
Collector's Office,
Tiruvallur District,
Tiruvallur.
- 3.The Superintendent of Police,
Office of Superintendent of Police,
Tiruvallur District.
- 4.The Superintendent of Prison,
Central Prison-II, Puzhal,
Chennai-600 066
- 5.The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government,
Public (Law & order), Fort saint George,
Chennai-9.

H.C.P. No.625 of 2020

RSV(CO)
RMP(21/10/2020)