

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.655 of 2020

Karpagam

.. Petitioner /
Mother of the detainee

Vs.

1 The State of Tamil Nadu,
rep.by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009

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

3.The Superintendent of Police,
O/o.Superintendent Office,
Jaya Nagar,
Chinna Ekkadu-602 001,
Thiruvallur District,
Thiruvallur.

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

5.The State,
rep.by its
The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District

... Respondents

Page numbers

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982, vide detention order, dated 27.02.2020 on the file of the second respondent herein made in proceedings Memo BCDFGISSSV No.05/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely BHARATH, S/o.Baskar, aged 23 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison-II, Puzhal.

For Petitioner : Mr.K.Arunprasad

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 Bharath, S/o.Baskar, aged 23 years who is the detenu. The detenu has been detained by the second respondent by his order BCDFGISSSV No.05/2020, dated 27.02.2020, 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. 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 No.99 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.

Page numbers

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV No.05/2020, dated 27.02.2020, passed by the second respondent is set aside. The detenu, namely, Bharath, S/o.Baskar, aged 23 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 Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The District Magistrate
and District Collector,
Collector's Office, Master Plan Complex,
Tiruvallur District, Tiruvallur.
- 3.The Superintendent of Police,
O/o.Superintendent Office,
Jaya Nagar, Chinna Ekkadu-602 001,
Thiruvallur District, Thiruvallur.
- 4.The Superintendent of Prison,
Central Prison-II, Puzhal, Chennai-600 066.
- 5.The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to the Govt.,
Public Law & Order,
Fort St.George, Chennai-600 009.

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

Page numbers