

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

Coram

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

H.C.P. No. 648 of 2020

S.Fathima Kani

... Petitioner

-vs-

1. The State of Tamilnadu
Rep by Secretary to Government
Home Prohibition and Excise Department
Fort St.George, Chennai 600 009.
2. The Commissioner of Police
Tiruppur, Tiruppur District
3. The Superintendent of Police
Central Prison, Coimbatore.
4. The State Rep. by
Inspector of Police,
Law and Order,
North Police Station,
Tiruppur City.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the detention order passed by the second respondent pertaining to the order made in C.No.17/G/IS/2020 dated 05.03.2020 in detaining the detenu under 2 (f) of the Tamilnadu Act 14 of 1982, as a Goonda and quash the same and to direct the 3rd respondent to produce the detenu Shahul Hameed, S/o.Mohamed Ali, male, aged about 43 years, who is detained at Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

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 Shahul Hameed, S/o.Mohamed Ali, male, aged about 43 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.No.17/G/IS/2020 dated 05.03.2020, 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 post-mortem certificate 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.117 of the booklet, it is clear that the post-mortem certificate 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 C.No.17/G/IS/2020 dated 05.03.2020, passed by the second respondent is set aside. The detenu, namely, Shahul Hameed, S/o.Mohamed Ali, male, aged about 43 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

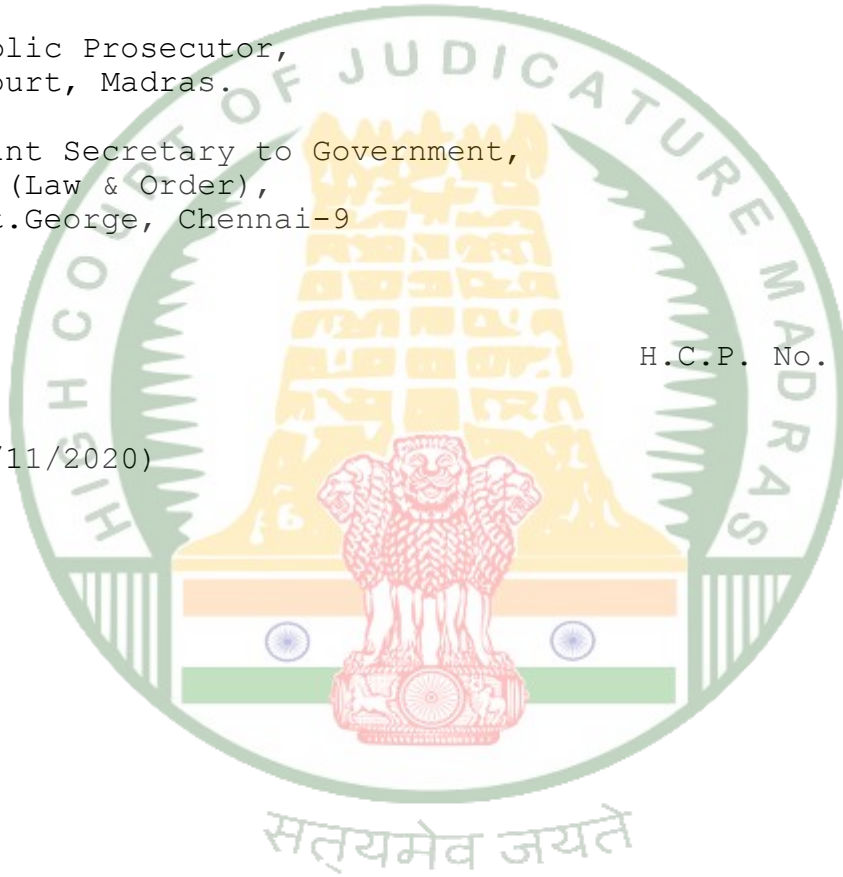
To

1. The Secretary to Government
Home Prohibition and Excise Department
Fort St.George, Chennai 600 009.

2. The Commissioner of Police
Tiruppur, Tiruppur District
3. The Superintendent of Police
Central Prison, Coimbatore.
4. The State Rep. by
Inspector of Police,
Law and Order,
North Police Station,
Tiruppur City.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai-9

H.C.P. No. 648 of 2020

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