

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

Coram

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

H.C.P. No.1253 of 2020

Rajamani

.. Petitioner

Vs

- 1.The Principal Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
- 3.The Superintendent of Prison,
Cuddalore District,
Cuddalore.
- 4.The Superintendent of Police,
Central Prison,
Cuddalore.
- 5.The Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus against the detention order passed by the second respondent in No.C3/D.O/33/2020 dated 10.03.2020 directing respondents to produce the detenu Jiyaudheen, S/o. Pakrutheen, who is confined at Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner : Mr.K.Balasubramaniam

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 wife of the detenu namely Jiyaudheen, S/o. Pakrutheen, aged about 45 years. The detenu has been detained by the second respondent by his order in No.C3/D.O/33/2020 dated 10.03.2020 holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 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. 97 of the booklet, it is clear that the arrest intimation 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 No.C3/D.O/33/2020 dated 10.03.2020, passed by the second respondent is set aside. The detenu, namely Jiyaudheen, S/o. Pakrutheen, aged about 45 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

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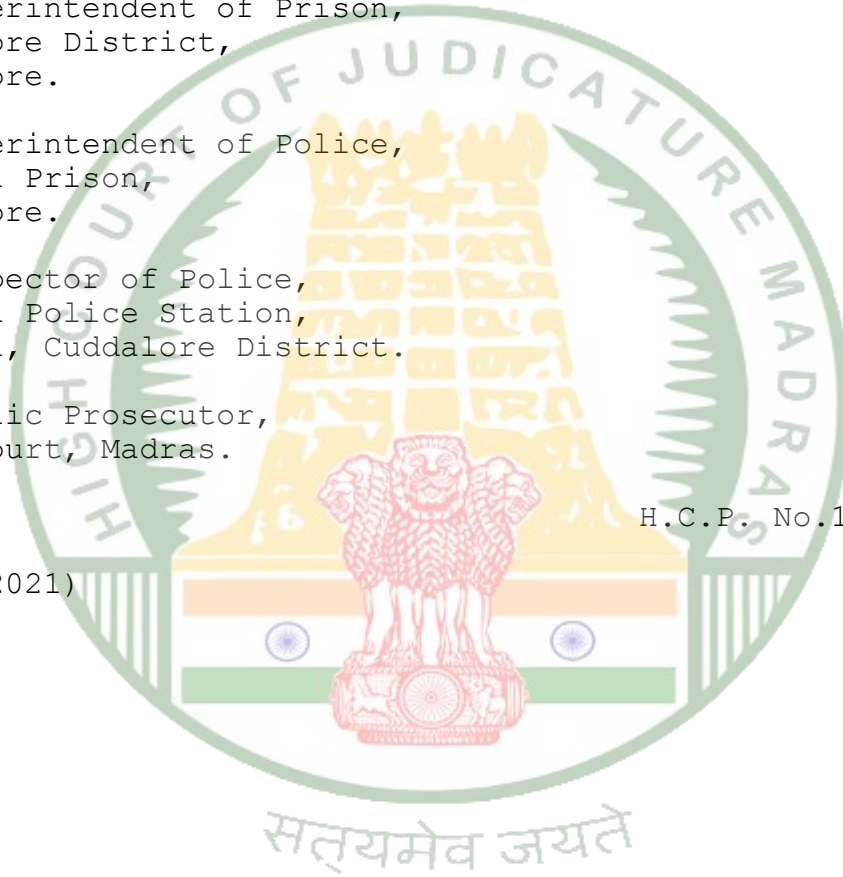
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To

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- 5.The Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.
- 6.The Public Prosecutor,
High Court, Madras.

RGN(CO)
CB(11/01/2021)

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