

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P. NO. 722 OF 2020

Rajkumari

...Petitioner

-vs-

- 1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Tiruvarur District, Tiruvarur.
- 3.The Superintendent of Police,
Tiruvarur.
- 4.The Superintendent of Prison,
Central Prison, Tiruchirapalli.
- 5.The Inspector of Police,
Needamangalam Police Station,
Tiruvarur.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent dated 12.03.2020 in C.O.C.No.01/2020 against the petitioner husband Rajkumar, male, aged 31 years, S/o.Ravichandran, who is confined at Central Prison, Tiruchirapalli and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner .. Mr.S.Senthilvel

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 Rajkumar, male, aged 31 years, S/o.Ravichandran, who is the detenu. The detenu has been detained by the second respondent by his order in C.O.C.No.01/2020 dated 12.03.2020, 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 arrest intimation 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.154 & 155 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 C.O.C.No.01/2020 dated 12.03.2020, passed by the second respondent is set aside. The detenu, namely, Rajkumar, male, aged 31 years, S/o.Ravichandran, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

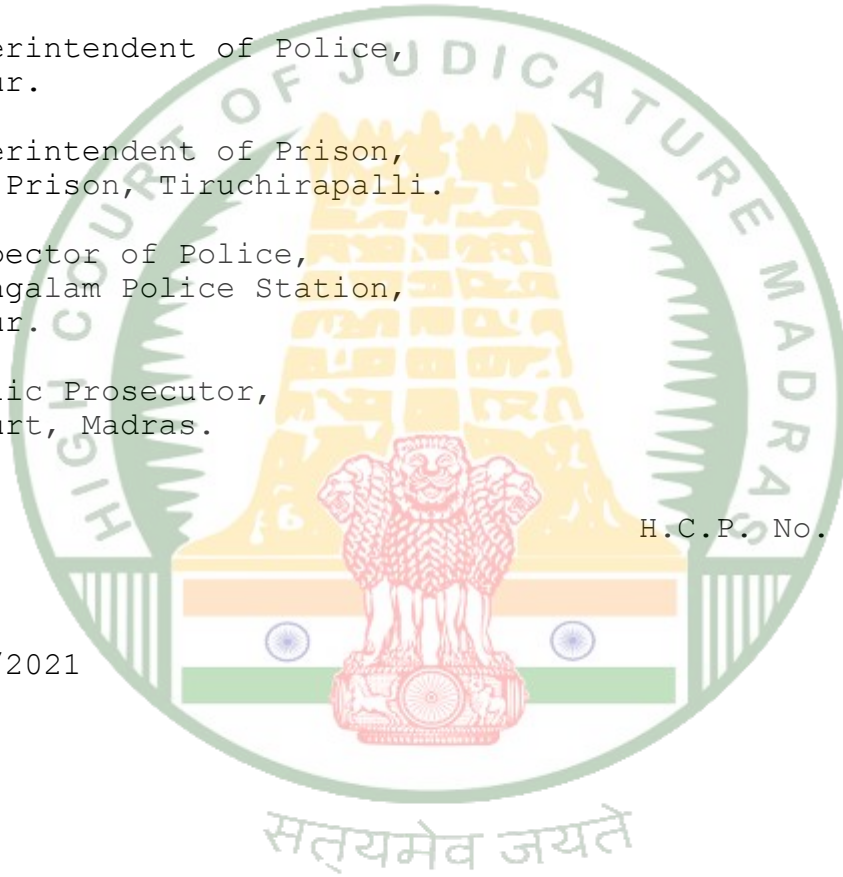
ssm

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Tiruvarur District, Tiruvarur.
- 3.The Joint Secretariat to Government,
Public Law and Order, Secretariat, Chennai - 9.
- 4.The Superintendent of Police,
Tiruvarur.
- 5.The Superintendent of Prison,
Central Prison, Tiruchirapalli.
- 6.The Inspector of Police,
Needamangalam Police Station,
Tiruvarur.
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 722 of 2020

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