

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2020

Coram

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

H.C.P. No. 725 of 2020

Lakshmi

... Petitioner

-vs-

1. The Secretary to Government
Government of Tamil Nadu (Home)
Prohibition and Excise Department,
Fort St. George, Chennai - 9
2. The District Collector and
District Magistrate of Vellore District
Vellore - 9
3. The Superintendent of Police
Central Prison, Vellore
4. The Superintendent of Police
Vellore District, Vellore
5. The Inspector of Police
Gudiyatham Town Police Station
Gudiyatham, Vellore District. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ order or direction and in particular to issue a Writ of Habeas Corpus, to call for the records relating to the impugned order C3/D.No.25/2020 dated 20.03.2020 on file of the 2nd respondent herein and set aside the same as illegal and direct the respondent to produce the detenu namely Anbazhagan son of Gajendiran, Hindu, aged about 24 years, now confined at Central Prison, Vellore before this Hon'ble Court set him at liberty.

For Petitioner : Mr.C. Vinodhkumar

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 Anbazhagan, son of Gajendiran, aged 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.No.25/2020 dated 20.03.2020, 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. 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 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.44 & 45 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 C3/D.No.25/2020 dated 20.03.2020 passed by the second respondent is set aside. The detenu, namely, Anbazhagan, son of Gajendiran, aged 24 years is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-

Assistant Registrar

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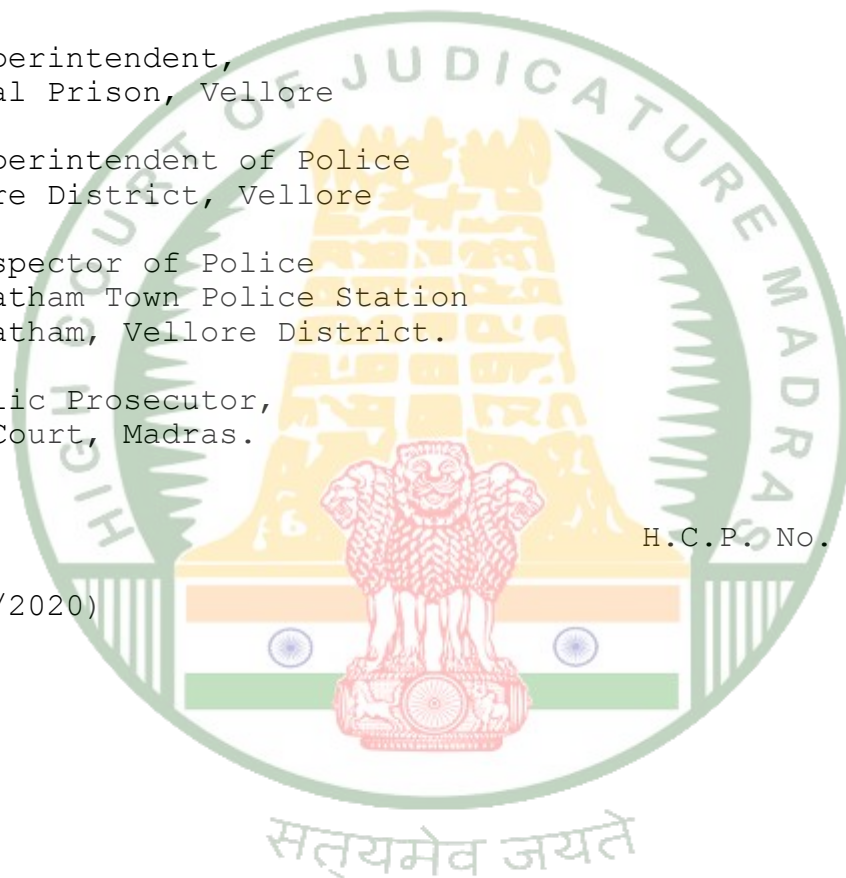
Sub Assistant Registrar

mmi/ssm
To

1. The Secretary to Government
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Fort St. George, Chennai - 9
2. The District Collector and
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Vellore - 9
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Central Prison, Vellore
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5. The Inspector of Police
Gudiyatham Town Police Station
Gudiyatham, Vellore District.
6. The Public Prosecutor,
High Court, Madras.

GP (CO)
RMP (05/11/2020)

H.C.P. No. 725 of 2020



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