

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. 727 of 2020

Shagull Hameed

.. Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 7.
- 2.Home Secretary of Tamil Nadu,
St. George Fort, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 4.The Inspector of Police,
T2 Ambattur Estate Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records of the first respondent herein concerned in No.149/BCDFGISSSV/2020 dated 28.02.2020 and set aside the order of detention passed therein against the detenu by name Mohammed Thaha, muslim, aged about 45 years, who is the brother in law of the petitioner herein, quashing the same and setting him at liberty, now detained now at Central Prison, Puzhal, Chennai.

For Petitioner : Mr.S.Suresh

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 brother in law of Mohammed Thaha, muslim, aged about 45 years, S/o.Abdul Khadhar, who is the

detenu. The detenu has been detained by the first respondent in No.149/BCDFGISSSV/2020 dated 28.02.2020, 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 remand order in the ground 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 Nos.235 & 236 of the booklet, it is clear that the remand order in the ground case 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.149/BCDFGISSSV/2020 dated 28.02.2020, passed by the first respondent is set aside. The detenu, namely, Mohammed Thaha, muslim, aged about 45 years, S/o.Abdul Khadhar is directed to be released forthwith unless his detention is required in connection with any other case.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

mmi/ssm
To

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 7.

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2.Home Secretary of Tamil Nadu,
St. George Fort, Chennai.

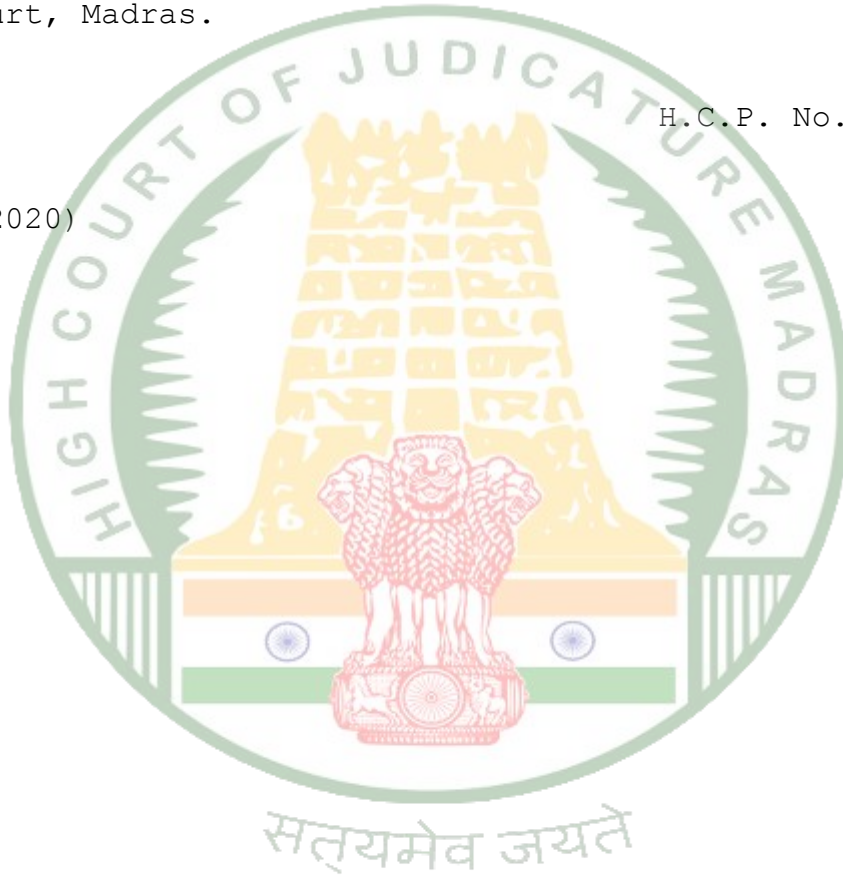
3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

4.The Inspector of Police,
T2 Ambattur Estate Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

H.C.P. No.727 of 2020

GP(CO)
SP(11/11/2020)



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