

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. 729 of 2020

Hepsibah

... Petitioner

-vs-

1. The Secretary to Government
Home Prohibition and Excise Department
Chennai 600 009
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
Vepery, Chennai 600 007
3. The Inspector of Police
K-11, C.M.B.T. Police Station
Chennai 600 107
4. The Superintendent of Prison
Central Prison-II, Puzhal,
Chennai 600 066

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus or any other Writ or Order in the nature of Writ call for the records in connection with the order of detention passed by the 2nd respondent in vide order No.213/BCDFGISSSV/2020 dated 20.03.2020 against the petitioner's son Jayakumar son of Sekar, male aged 24 years who is confined Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.J.B.Solomon Peter Kamal Doss

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 Jayakumar, son of Sekar, aged 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in No.213/BCDFGISSSV/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 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 Nos.125 & 126 of the booklet, it is clear that the remand order 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.213/BCDFGISSSV/2020 dated 20.03.2020, passed by the second respondent is set aside. The detenu, namely, Jayakumar, son of Sekar, aged 24 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

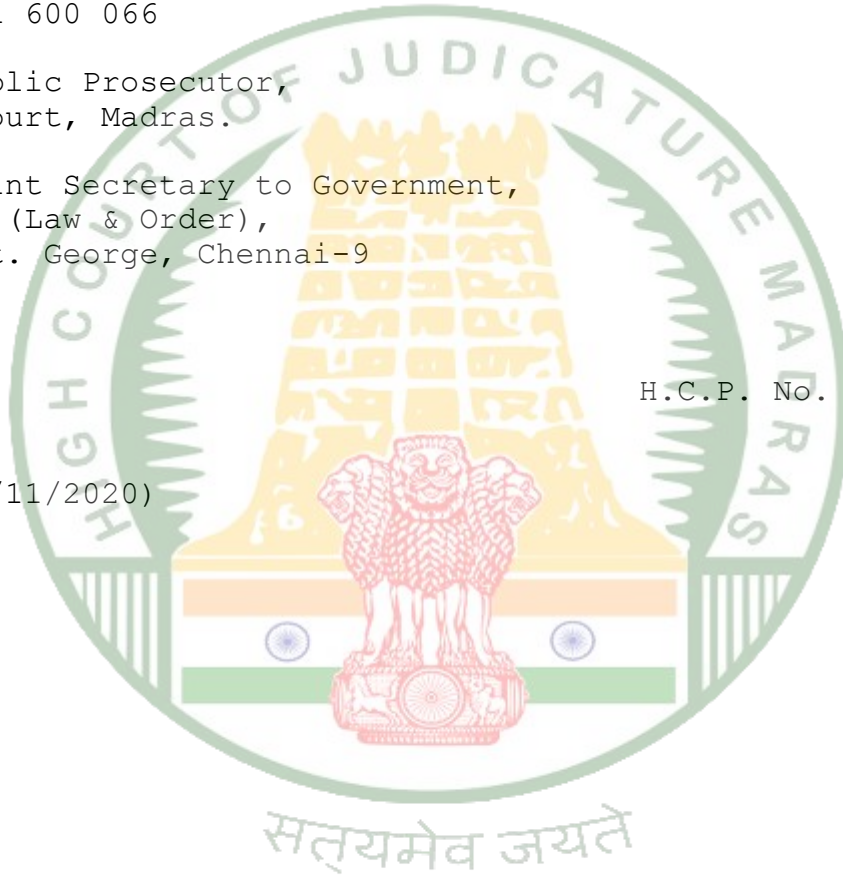
To

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4. The Superintendent of Prison
Central Prison-II, Puzhal,
Chennai 600 066
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. 729 of 2020

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