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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

Coram

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

H.C.P. No. 770 of 2020

Sampath

... Petitioner

-vs-

1. The State of Tamilnadu
Rep by The Secretary to Government
Home Prohibition and Excise Department
Fort St.George, Chennai 600 009.
2. The District Collector and District
Magistrate, Tiruvannamalai,
Tiruvannamalai District.
3. The Superintendent,
Central Prison, Vellore, Vellore District.
4. The Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.
5. The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the entire records connected with the order of detention passed by the second respondent in D.O.No.29/2020-C2 dated 28.03.2020 on the file of the second respondent and quash the same, consequently directing the respondents to produce the detenu namely the petitioner's son Venkatesan, aged about 24 years detained in the Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.E.Sathiyaraj

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor



ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

WEB COPY The petitioner is the father of Venkatesan, S/o.Sampath, male, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.29/2020-C2 dated 28.03.2020, 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 post-mortem certificate 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.49 of the booklet, it is clear that the post-mortem certificate 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 D.O.No.29/2020-C2 dated 28.03.2020, passed by the second respondent is set aside. The detenu, namely, Venkatesan, S/o.Sampath, male, aged about 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



mml/ssm

To

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- 1.The Secretary to Government
Home Prohibition and Excise Department
Fort St.George, Chennai 600 009.
 - 2.The District Collector and District
Magistrate, Tiruvannamalai,
Tiruvannamalai District.
 - 3.The Superintendent,
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 - 4.The Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.
 - 5.The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
 - 6.The Public Prosecutor,
High Court, Madras.
 - 7.The Joint Secretary to Government,
Public (law & order) Fort St.George,
Chennai- 600 009.
- +1 cc to M/s.E.Sathiyaraj, Advocate Sr.No. 34553

H.C.P. No. 770 of 2020

PA(CO)
RMP(10/11/2020)