

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

CORAM

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

H.C.P.NO.776 OF 2020

Aysha Bee

.. Petitioner

Vs

1. State of Tamilnadu
Rep. by The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Collector and
District Magistrate,
Villupuram District,
Villupuram.
3. The Superintendent of Police,
O/o. The Superintendent of Police,
Villupuram, Villupuram District.
4. The Superintendent of Prison,
Central Prison, Cuddalore District.
5. State Rep. By
The Inspector of Police,
Gingee Police Station,
Villupuram District.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to call for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 01.05.2020 on the file of the second respondent herein and made in proceedings Rc.No.C2/8713/2020 and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Syed Beeran, son of Syed Basha, aged about 45 years, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained in Central Prison, Cuddalore.

For Petitioner : Mr.M.Mohamed Saifullah

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 the detenu, Syed Beeran, S/o. Syed Basha, male, aged 45 years. The detenu has been detained by the second respondent by his order in Rc.No.C2/8713/2020 dated 01.05.2020 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 bail petition 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.69 & 70 of the booklet, it is clear that the bail petition 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 Rc.No.C2/8713/2020 dated 01.05.2020, passed by the second respondent is set aside. The detenu, namely, Syed Beeran, S/o. Syed Basha, male, aged 45 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Collector and District Magistrate,
Villupuram District, Villupuram.
3. The Superintendent of Police,
O/o. The Superintendent of Police,
Villupuram, Villupuram District.
4. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai-9.
5. The Superintendent of Prison,
Central Prison, Cuddalore District.
6. The Inspector of Police,
Gingee Police Station,
Villupuram District.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.776 of 2020

SV(CO)
CS/03/12/2020