

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

Coram

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

H.C.P. No. 778 of 2020

P.Dhanasekar 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/District
Magistrate of Cuddalore,
Cuddalore District - 607 001.
- 3.The Superintendent of Police,
Cuddalore District - 607 001.
- 4.The Superintendent of Central Prison,
Cuddalore - 607 001.
- 5.The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District - 607 105. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records on the file of the second respondent relating to the impugned order of detention dated 11.03.2020 bearing Ref.C3/D.O./34/2020 and quash the same and consequently set the detenu Jayachandran, son of Dhanasekar, aged about 20 years at liberty, who is confined at Central Prison, Cuddalore.

For Petitioner : Mr.N.U.Presanna

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 father of Jayachandran, son of Dhanasekar, aged about 20 years, who is the detenu. The detenu has been detained by the second respondent by his order in Ref.C3/D.O./34/2020 dated 11.03.2020, 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 Nos. 39 and 40 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 Ref.C3/D.O./34/2020 dated 11.03.2020, passed by the second respondent is set aside. The detenu, namely,

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Jayachandran, son of Dhanasekar, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.M.S.,J.) (D.K.K.,J.)
16.10.2020

Index: Yes/No
mmi/ssm

To

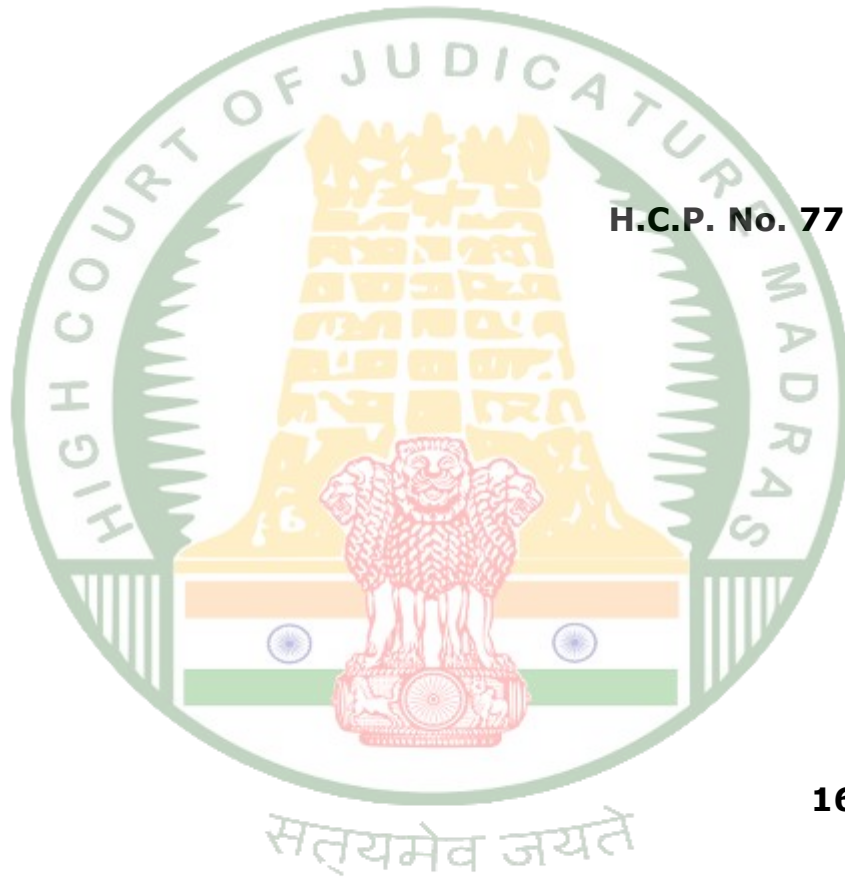
- 1.The Secretary to Government
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Cuddalore - 607 001.
- 5.The Inspector of Police, सत्यमेव जयते
Nellikuppam Police Station,
Cuddalore District - 607 105.
6. The Public Prosecutor,
High Court, Madras.

**M.M.SUNDRESH, J.
and**

HCP No 778 of 2020

D.KRISHNAKUMAR, J.

mmi/ssm



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