

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

Coram

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

H.C.P. No. 818 of 2020

P.Vimala Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep. by its Secretary,
Home, Prohibition, and Excise Department,
Secretariat,
Chennai 600 009
- 2.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.
- 3.The Superintendent,
Central Prison II, Puzhal, Chennai.
- 4.The Inspector of Police,
R9, Valasaravakkam Police Station,
Valasaravakkam, Chennai. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to the detention order Memo No.BCDFGISSSV.No.209/2020 dated 20.03.2020 passed by the second respondent under Tamil nadu Act 14 of 1982 and quash the same and direct the respondent to produce the detenu namely Anand @ Sudha Anandhan, aged about 38 years now confined in Central Prison, Puzhal, Chennai before this Court and set the detenu namely Anand @ Sudha Anandhan, aged about 38 years at liberty.

For Petitioner : Mr.P.Kumaresan

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 sister of Anand @ Sudha Anandhan, S/o.Rangasamy, male, aged about 38 years, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.209/2020 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. 133 and 135 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 BCDFGISSSV.No.209/2020 dated 20.03.2020, passed by the second respondent is set aside. The detenu, namely, Anand @ Sudha Anandhan, S/o.Rangasamy, male, aged about 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(Cj conf)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Secretary,
Home, Prohibition, and Excise Department,
Secretariat,
Chennai 600 009

2.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.

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

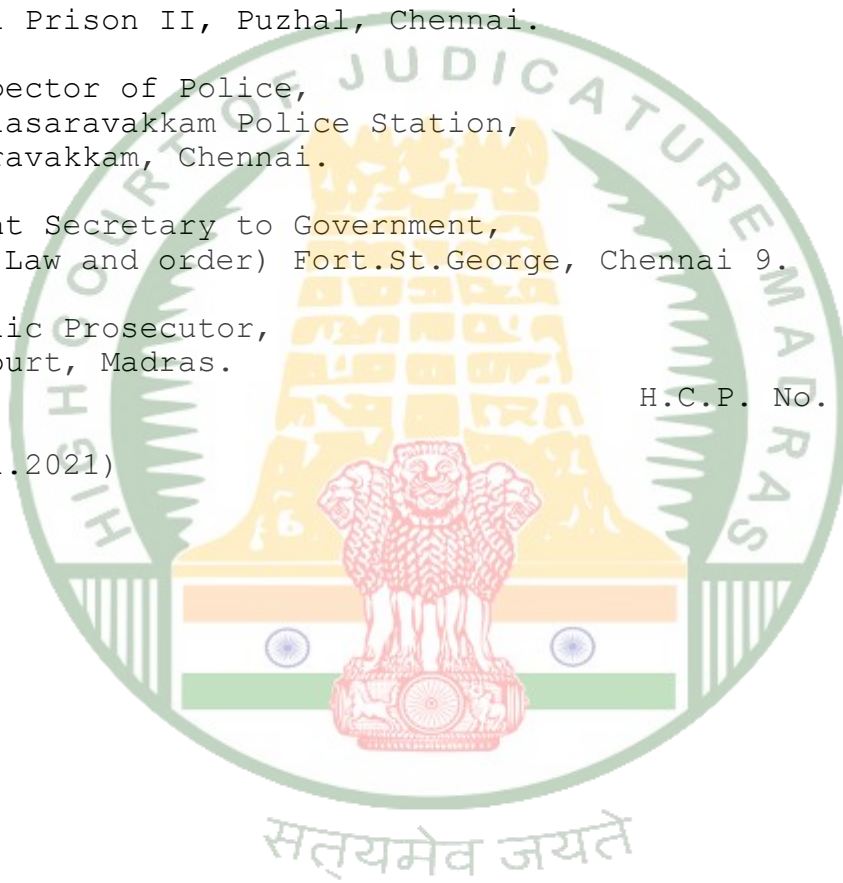
4.The Inspector of Police,
R9, Valasaravakkam Police Station,
Valasaravakkam, Chennai.

5.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.

6.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 818 of 2020

A.SK(07.01.2021)



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