

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2020

Coram

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

H.C.P. No. 829 of 2020

Shathika

... Petitioner

-vs-

1. The State of Tamil Nadu
rep. by its Secretary to Government
Home Prohibition and Excise Department
St. George Fort, Secretariat,
Chennai 600 009
2. The District Collector and District
Magistrate of Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District, Cuddalore - 1.
4. The Superintendent,
Central Prison, Cuddalore - 4.
5. The Inspector of Police,
Veppur Circle, Veppur.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 20.03.2020 in C3/D.O./41/2020 against the petitioner's husband Rithik @ Alex @ Mansur Ali, aged about 36 years, S/o.Jahankir Basha/detenu, who is confined at Central Prison, Cuddalore, set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.Om Sai Ram

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 Rithik @ Alex @ Mansur Ali, aged about 36 years, S/o.Jahankir Basha, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O./41/2020 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 bail order pertaining to the similar case has not been 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, it is clear that the bail order pertaining to the similar case has not been 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 C3/D.O./41/2020 dated 20.03.2020, passed by the second respondent is set aside. The detenu, namely, Rithik @ Alex @ Mansur Ali, aged about 36 years, S/o.Jahankir Basha, 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

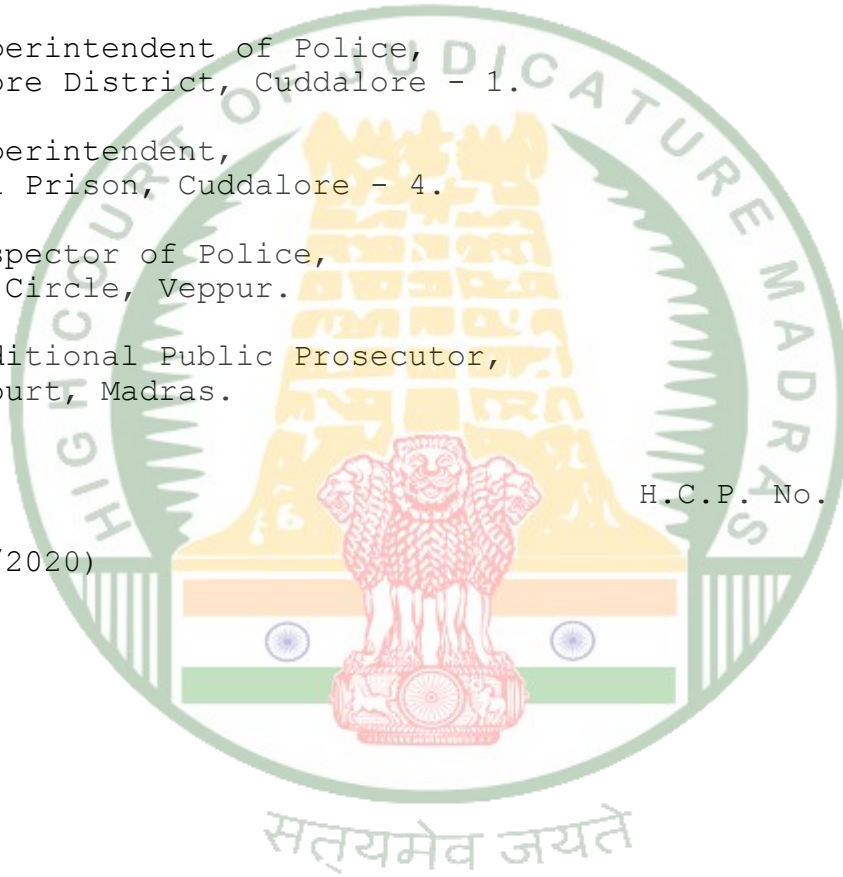
mmi/ssm

To

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Veppur Circle, Veppur.
6. The Additional Public Prosecutor,
High Court, Madras.

RR(CO)
RMP(09/12/2020)

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