

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

Coram

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

H.C.P. No. 837 of 2020

Deepa

... Petitioner

-vs-

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Home, Prohibition and Excise (XVI) Department
Fort St. George, Chennai 600 009.
2. The District Collector and
District Magistrate of Vellore,
Vellore District.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector of Police,
Ariyur Police Station,
Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the records in connection with the order of detention passed by the second respondent dated 26.04.2020 in his office Ref.C3/D.O.No.29/2020 against the petitioner's husband by name Natarajan, S/o.Murukesan, aged about 20 years, now under the custody of the fourth respondent namely Central Prison, Vellore, Vellore District and set aside the same and direct the respondents to produce the above said detenu before this Court and set him at liberty.

For Petitioner : Mr.E.Kannadassan

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 Natarajan, S/o.Murukesan, male, aged 20 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.29/2020, dated 26.04.2020, 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 warrant has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, the detention order has to be set aside.

4.On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.71 and 72 of the booklet, it is clear that the remand warrant has not been properly translated in vernacular language. We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside on these grounds.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.29/2020, dated 26.04.2020, passed by the second respondent is set aside. The detenu, namely, Natarajan, S/o.Murukesan, male, aged 20 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

mmi/ssm

To

1. The Secretary to Government
Home, Prohibition and Excise (XVI) Department
Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate of Vellore,
Vellore District.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector of Police,
Ariyur Police Station,
Vellore District.
6. The Joint Secretary to Government
Public (law & order)
Fort St. George, Chennai-9.
7. The Public Prosecutor,
High Court, Madras.

KK(CO)
RMP(10/12/2020)

H.C.P. No. 837 of 2020

सत्यमेव जयते

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