

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

Coram

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

H.C.P. No. 843 of 2020

Sangeetha

...Petitioner/  
Wife of the Detenu

Vs.

1. The Secretary to Government,  
Home Prohibition & Excise Department,  
Secretariat, Chennai-9.
2. The District Collector & District Magistrate,  
Vellore District, Vellore-9.
3. The Superintendent of Police,  
Vellore District, Vellore-9.
4. The Superintendent of Prison,  
Central Prison, Vellore-2.
5. The Inspector of Police,  
Gudiyatham PEW Police Station,  
Vellore District.

...Respondents/  
Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 19.03.2020 in C3/D.O.No.22/2020 against the petitioner's husband Subramani, male, aged 40 years, S/O Govindasamy, who is confined at the Central Prison, Vellore, set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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 Subramani, male, aged 40 years, S/o. Govindasamy, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O.No.22/2020 dated 19.03.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 forensic report 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.54 and 55 of the booklet, it is clear that the forensic report 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 C3/D.O.No.22/2020 dated 19.03.2020, passed by the second respondent is set aside. The detenu, namely, Subramani, male, aged 40 years, S/o. Govindasamy, 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

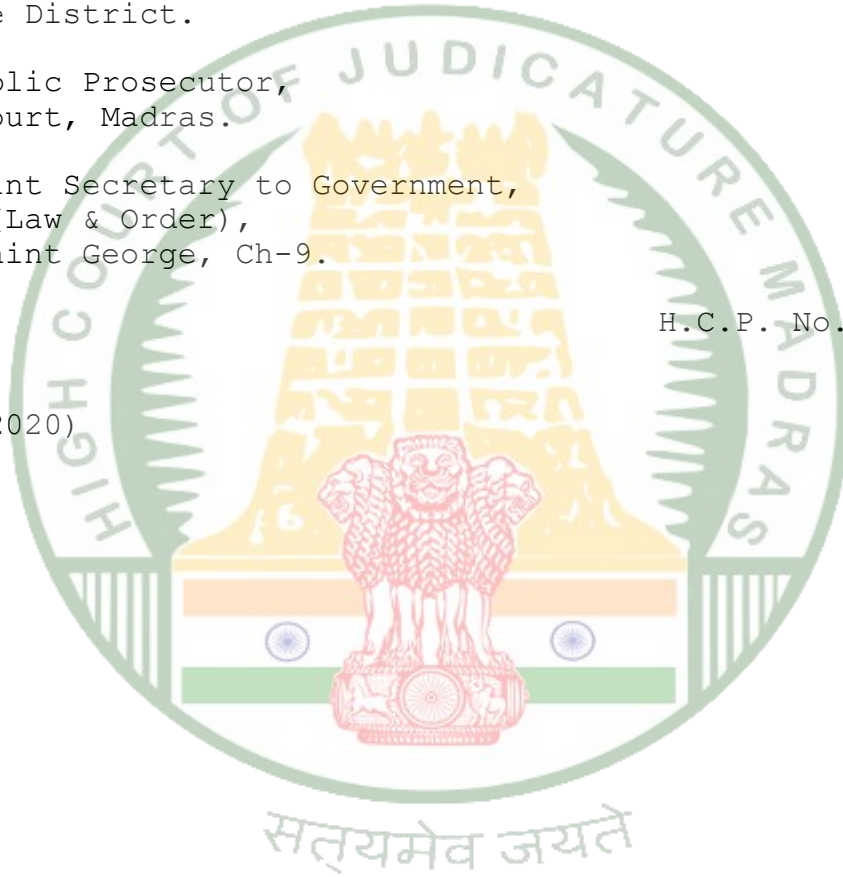
To

1. The Secretary to Government,  
Home Prohibition & Excise Department,  
Secretariat, Chennai-9.

2. The District Collector & District Magistrate,  
Vellore District, Vellore-9.
3. The Superintendent of Police,  
Vellore District, Vellore-9.
4. The Superintendent of Prison,  
Central Prison, Vellore-2.
5. The Inspector of Police,  
Gudiyatham PEW Police Station,  
Vellore District.
6. The Public Prosecutor,  
High Court, Madras.
7. The Joint Secretary to Government,  
Public(Law & Order),  
Fort Saint George, Ch-9.

H.C.P. No.843 of 2020

PP(CO)  
RV(04/12/2020)



WEB COPY