

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

Coram

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

H.C.P. No. 854 of 2020

Vijayakumari

.. Petitioner

Vs.

- 1.The State of Tamil Nadu Rep. by its
Secretary to Government,
Home Prohibition and Excise (XVI)
Department, Fort St. George,
Secretariat, 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 praying for 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.30 of 2020 against the petitioner's husband by name Thiru.Thembal @ Krishnan, S/o.Pappannan, aged about 28 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.Kannadasan

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 Thembal @ Krishnan, S/o.Pappannan, aged about 28 years, who is the detenu. The detenu has been detained by the second respondent by his order in Ref.C3.D.O.No.30 of 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. We have also perused the records produced by the Detaining Authority.

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, 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.71 and 72 of the booklet, it is clear that the remand warrant 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.No.30 of 2020 dated 26.04.2020, passed by the second respondent is set aside. The

detenu, namely, Thembal @ Krishnan, S/o.Pappannan, aged about 28 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,
Secretariat, 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 Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government,
Public (law & order)
Fort St.George, Chennai-09.

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

H.C.P. No.854 of 2020