

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

Coram

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

H.C.P. No. 870 of 2020

Maragatham

.. Petitioner

Vs.

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Ranipet District, Ranipet-1.
3. The Superintendent of Police,
Ranipet District, Ranipet
4. The Superintendent of Prison,
Central Prison, Vellore-2.
5. The Inspector of Police,
Arakkonam Police Station, Ranipet 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 23.03.2020 in B3.D.O.No.32/2020 against the petitioner's son Lal @ Umashankar, Male aged 34 years S/o.Viswanathan, who is confined at Central Prison, Vellore, and set aside the same and direct the respondents to produce the detainee before this Hon'ble Court and set him at liberty.

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For Petitioner : Mr.S.Senthilvel

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 mother of Lal @ Umashankar, Male aged 34 years S/o.Viswanathan, who is the detenu. The detenu has been detained by the second respondent by his order in B3.D.O.No.32/2020 dated 23.03.2020, 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. 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 arrest intimation 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.42 & 43 of the booklet, it is clear that the arrest intimation 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 B3.D.O.No.32/2020 dated 23.03.2020, passed by the second respondent is set aside. The detenu, namely, Lal @ Umashankar, Male aged 34 years S/o.Viswanathan, 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 the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Ranipet District, Ranipet-1.
- 3.The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St.George, Chennai.
- 4.The Superintendent of Police,
Ranipet District, Ranipet
- 5.The Superintendent of Prison,
Central Prison, Vellore-2.
- 6.The Inspector of Police,
Arakkonam Police Station, Ranipet District.
- 7.The Public Prosecutor,
High Court, Madras.

SSD(CO)
RMP(08/12/2020)

H.C.P. No.870 of 2020

सत्यमेव जयते

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