

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. 888 of 2020

Dinesh @ Ganesh

..Petitioner

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai - 600 009.
 2. The District Magistrate and
District Collector, Salem, Salem District.
 3. The Superintendent of Police,
Salem, Salem District.
 4. The Superintendent of Prison,
Central Prison - Salem, Salem District.
 5. The State, rep. by its Inspector of Police,
Mettur Police Station, Salem District
- ..Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the entire records relating to petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 06.03.2020 on the file of the second respondent herein made in proceedings Memo C.M.P. No.03/Goonda/C2/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner, namely Dinesh @ Ganesh, S/o.Kumarasamy, aged 27 years, before this Court and set him at liberty from detention, now the petitioner detained at Central Prison, Salem.

For Petitioner : Mr.Camyles Gandhi

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, Dinesh @ Ganesh, S/o.Kumarasamy, aged 27 years, is the detenu. The detenu has been detained by the second respondent by his order in Memo C.M.P. No.03/Goonda/C2/2020, dated 06.03.2020 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 remand order 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 remand order at Page No. 124 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 Memo C.M.P. No.03/Goonda/C2/2020, dated 06.03.2020 passed by the second respondent is set aside. The detenu, namely, Dinesh @ Ganesh, S/o.Kumarasamy, aged 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

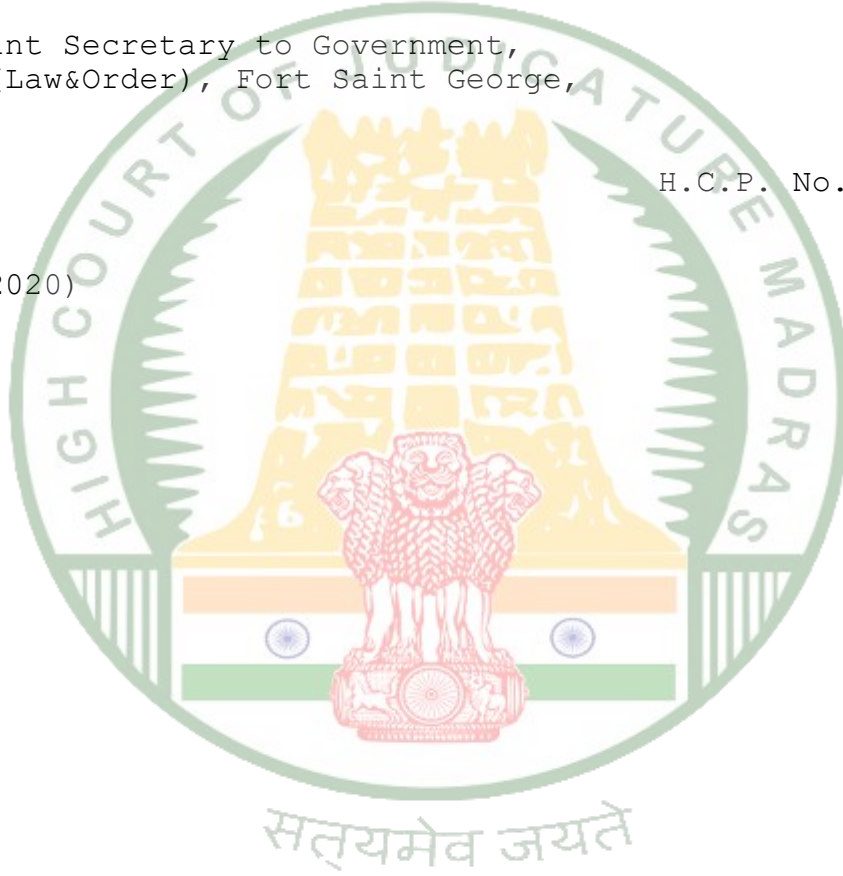
To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George, Chennai - 600 009.
2. The District Magistrate and
District Collector, Salem, Salem District.

3. The Superintendent of Police,
Salem, Salem District.
4. The Superintendent of Prison,
Central Prison - Salem, Salem District.
5. The Inspector of Police,
Mettur Police Station, Salem District
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government,
Public(Law&Order), Fort Saint George,
Ch-09.

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PP(CO)
RV(03/12/2020)



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