

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

Coram

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

H.C.P. No. 889 of 2020

Soundaravalli

.. Petitioner

Vs.

- 1.The State of Tamil Nadu, Rep.
by its Secretary to Government, (Home)
Prohibition and Excise Department
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
O/o.The District Collector and
District Magistrate, Villupuram District,
Villupuram.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore District.
- 4.The Superintendent of Police,
O/o.Superintendent of Police
Villupuram District, Villupuram.
- 5.The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus calling for the entire records relating to the impugned order of detention passed by the second respondent in Rc. No.C2/9580/2020 dated 30.5.2020 and set aside the same and consequently direct the respondents to produce the detenu Yasagan @ Kaliyaperumal, son of Kandasamy, aged about 53 years, petitioner's husband, now confined at Central Prison, Cuddalore before this Hon'ble Court and set him at liberty forthwith.

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For Petitioner : Mr.S.Saravanakumar

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 Yasagan @ Kaliyaperumal, son of Kandasamy, aged about 53 years, who is the detenu. The detenu has been detained by the second respondent by his order in Rc. No.C2/9580/2020 dated 30.05.2020, 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 post mortem certificate 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 especially Page Nos.30 & 31 of the booklet, it is clear that the post mortem certificate 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 Rc. No.C2/9580/2020 dated 30.5.2020, passed by the second respondent is set aside. The detenu, namely, Yasagan @ Kaliyaperumal, son of Kandasamy, aged about 53 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

- 1.The Secretary to Government, (Home)
Prohibition and Excise Department
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
O/o.The District Collector and
District Magistrate, Villupuram District,
Villupuram.
- 3.The Joint Secretary to Govt.,
Public (Law & Order) Dept.,
Fort St.George, Chennai-9.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore District.
- 5.The Superintendent of Police,
O/o.Superintendent of Police
Villupuram District, Villupuram.
- 6.The Inspector of Police,
Thiruvannainallur Police Station,
Villupuram District.
- 7.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Saravanakumar, Advocate SR.37597

H.C.P. No.889 of 2020

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