

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. 948 of 2020

Gayathri

.. Petitioner

Vs.

1. State represented by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.
 2. The Commissioner of Police,
Greater Chennai, Chennai 600 007.
 3. The Superintendent of Police,
Central Prison, Puzhal, Chennai
 4. The State represented by
The Inspector of Police,
P2-Otteri Police Station, Chennai.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to direct the respondents to produce the petitioner's husband, namely, Appu @ Stephen Joseph, male aged about 26 years, Son of Arokkiyanathan, vide detention order No 192/BCDFGISSSV/2020 before this Court, now he confined at Central Prison No.2, Puzhal, Chennai 600 066 set him liberty.

For Petitioner : Mr.S.Nambirajan

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 Appu @ Stephen Joseph, aged about 26 years, Son of Arokkiyanathan, who is the detenu. The detenu has been detained by the second respondent by his order in No. 192/BCDFGISSSV/2020 dated 16.03.2020, 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 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 accident register 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. 7 and 8 of the booklet, it is clear that the accident register 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 No. 192/BCDFGISSSV/2020 dated 16.03.2020, passed by the second respondent is set aside. The detenu, namely, Appu @ Stephen Joseph, aged about 26 years, Son of Arokkiyanathan, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

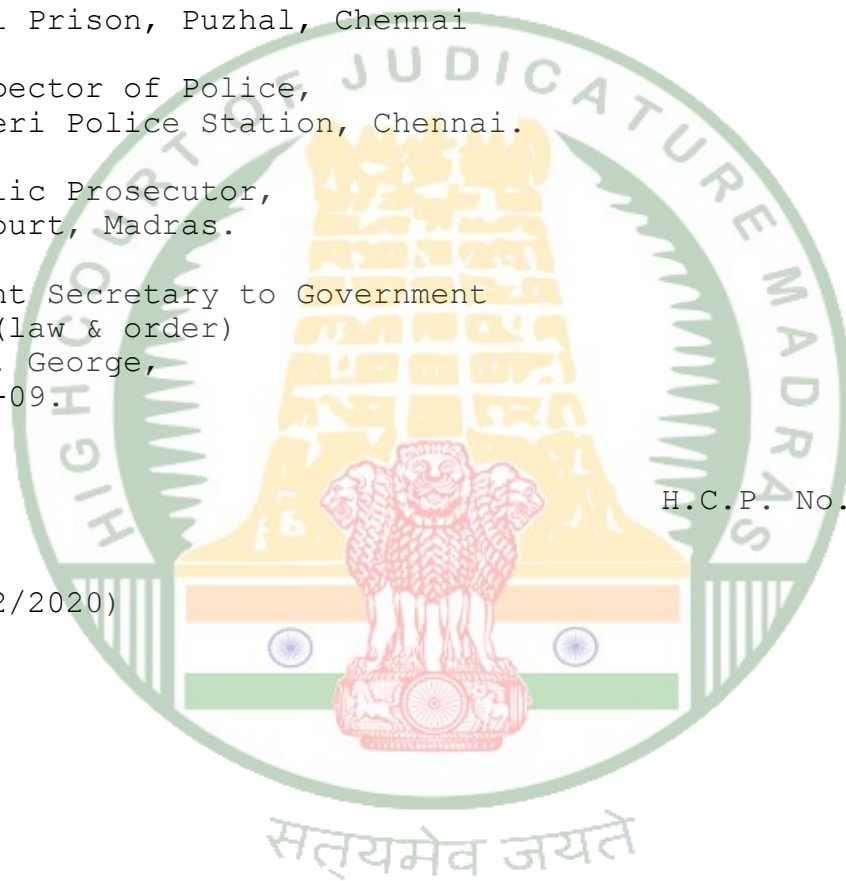
mmi/ssm

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai, Chennai 600 007.
- 3.The Superintendent of Police,
Central Prison, Puzhal, Chennai
- 4.The Inspector of Police,
P2-Otteri Police Station, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.
- 6.The Joint Secretary to Government
Public (law & order)
Fort st. George,
Chennai-09.

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

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