

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:05.11.2020

Coram

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

H.C.P. No. 991 of 2020

Sivakangai

... Petitioner

-vs-

State Rep by

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Fort St. George,
Chennai - 9.
2. The District Collector & District Magistrate,
Office of the District Collector and
District Magistrate,
Cuddalore District, Cuddalore.
3. The Superintendent of Prison,
Central Prison, Cuddalore.
4. The Superintendent of Police,
O/o Superintendent of Police,
Cuddalore District.
5. The Inspector of Police,
Panruti Police Station,
Cuddalore.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records pertaining to the order of detention dated 16.03.2020 passed by the second respondent bearing No Na.Ka.En. C3/D.O/37/2020 and quash the same and produce the detenu Kumaravel @ Ravanam, S/o. Kuzhanthaivel, aged about 27 years, before this Court and set him at liberty forthwith from the Central Prison, Cuddalore.

For Petitioner : Mr.S.Rajanikanth

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 the detenu, Kumaravel @ Ravanan, S/o. Kuzhanthaivel, aged about 27 years. The detenu has been detained by the second respondent by his order in C3/D.O/37/2020 dated 16.03.2020, holding 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 similar case bail 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 in Page Nos. 121 and 122 available on record, it is clear that the bail order in the similar case 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 C3/D.O/37/2020 dated 16.03.2020 passed by the second respondent is set aside. The detenu, namely, Kumaravel @ Ravanan, S/o. Kuzhanthaivel, aged about 27 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 Department,
Government of Tamil Nadu, Fort St. George,
Chennai - 9.
- 2.The District Collector & District Magistrate,
Office of the District Collector and
District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore.
- 4.The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St.George, Chennai.
- 5.The Superintendent of Police,
O/o Superintendent of Police,
Cuddalore District.
- 6.The Inspector of Police,
Panruti Police Station,
Cuddalore.
- 7.The Public Prosecutor,
High Court, Madras.

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

H.C.P. No. 991 of 2020

सत्यमेव जयते

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