

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

Coram

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

H.C.P. No. 1000 of 2020

S.Mutharasi

.. Petitioner

Vs.

- 1.The Secretary to the Government,  
Home, Prohibition and Excise Dept.,  
Secretariat, Fort St.George,  
Chennai 600 009
- 2.The District Collector and District Magistrate  
Collector's Office, Ranipet District,  
Ranipet.
- 3.The Superintendent of Prison,  
Central Prison, Vellore District.
- 4.The Superintendent of Police,  
Ranipet, Ranipet District.
- 5.The Inspector of Police,  
Rathinagiri Police Station, .. Respondents  
Ranipet District.  
(Crime No.277/2020)

Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus call for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 09.06.2020 on the file of the second respondent herein made in proceedings Memo B3/D.O.No.57/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband Sundarrajan, aged 38 years, S/o.Settu, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Vellore.

For Petitioner : Mr.G.P.Sivakumar

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 Sundarrajan, S/o.Settu, male, aged 38 years. The detenu has been detained by the second respondent by his order in B3.D.O.No.57/2020 dated 09.06.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 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.90 & 91 of the booklet, it is clear that the remand order 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.57/2020 dated 09.06.2020 passed by the second respondent is set aside. The detenu, namely, Sundarrajan, S/o.Settu, male, aged 38 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

ssm

To

- 1.The Secretary to the Government,  
Home, Prohibition and Excise Dept.,  
Secretariat, Fort St. George,  
Chennai 600 009
- 2.The District Collector and District Magistrate  
Collector's Office, Ranipet District,  
Ranipet.
- 3.The Superintendent of Prison,  
Central Prison, Vellore District.
- 4.The Superintendent of Police,  
Ranipet, Ranipet District.
- 5.The Inspector of Police,  
Rathinagiri Police Station, Ranipet District.
- 6 The St. Secretary to Govt.  
Public (Law and Order)  
Fort St. George, Chennai - 09.
- 7.The Public Prosecutor,  
High Court, Madras.

H.C.P. No.1000 of 2020

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