

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2020

Coram

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

H.C.P. No. 1009 of 2020

M.Seghu Beevi

...Petitioner/Mother of
the detenue

-vs-

1. State of Tamilnadu,
Rep. By The Secretary,
Home, Prohibition, and Excise Department,
Fort St.George, Chennai 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Vilupuram District.
3. The Superintendent of Police,
Vilupuram, Vilupuram District.
4. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Viluppuram Taluk Police Station,
Viluppuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the detention order in Rc.No.C2/5810/2020, dated 10.03.2020 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Azhar @ Emmom Oli, S/o.Mohammed Sheriff, aged about 30 years the detenu, now confined in Central Prison, Cuddalore, before this Court and set the petitioner's son Azhar @ Emmom Oli, S/o.Mohammed Sheriff, aged about 30 years the detenu herein at liberty.

For Petitioner : Mr.U.Yuvaraj

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 Azhar @ Emmom Oli, S/o.Mohammed Sheriff, aged about 30 years, who is the detenu. The detenu has been detained by the second respondent by his order in Rc.No.C2/5810/2020, dated 10.03.2020, 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 similar case bail petition 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.170 & 171 of the booklet, it is clear that the similar case bail petition 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 Rc.No.C2/5810/2020, dated 10.03.2020, passed by the second respondent is set aside. The detenu, namely, Azhar @ Emmom Oli, S/o.Mohammed Sheriff, aged about 30 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

To

1. The Secretary to Government,
Home, Prohibition, and Excise Department,
Fort St.George, Chennai 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Vilupuram District.
3. The Superintendent of Police,
Vilupuram, Vilupuram District.
4. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.
5. The Inspector of Police,
Viluppuram Taluk Police Station,
Viluppuram District
6. The Joint Secretary to Government,
Public(Law&Order)
Fort saint George, Secretariat,
Chennai-600009.
7. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1009 of 2020

EV(CO)
RV(19/12/2020)

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