

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

Coram

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

H.C.P. No.1019 of 2020

Maheswari

..Petitioner

Vs

1. State of Tamilnadu, rep. by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate,
Ariyalur District,
Ariyalur.
3. The Superintendent of Prison,
Ariyalur District,
Ariyalur.
4. The Superintendent,
Central Prison,
Tiruchirappalli.
5. The Inspector of Police,
Thirumanur Police Station,
Ariyalur District,
Ariyalur.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus against the detention order passed by the second respondent in Cr.M.P.No.45/2020 dated 30.05.2020 directing respondents to produce the detenu Sivakumar, S/o. Thangavel, who is confined at Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

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 husband of the detenu, Sivakumar, S/o. Thangavel, male, aged 42 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.45/2020 dated 30.05.2020 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 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 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 No. 50 of the booklet, it is clear that the arrest intimation 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 Cr.M.P.No.45/2020 dated 30.05.2020, passed by the second respondent is set aside. The detenu, namely, Sivakumar, S/o. Thangavel, male, aged 42 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

ak/nv

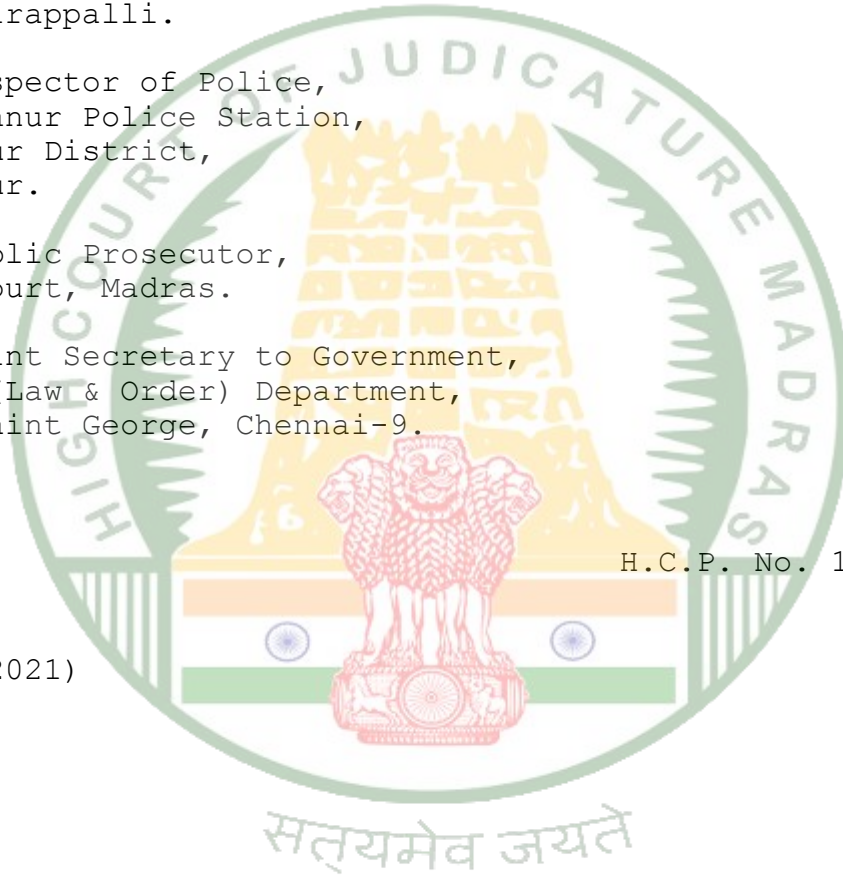
To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2. The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate,
Ariyalur District,
Ariyalur.
3. The Superintendent of Prison,
Ariyalur District,
Ariyalur.
4. The Superintendent,
Central Prison,
Tiruchirappalli.
5. The Inspector of Police,
Thirumanur Police Station,
Ariyalur District,
Ariyalur.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government,
Public(Law & Order) Department,
Fort saint George, Chennai-9.

H.C.P. No. 1019 of 2020

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