

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice P.RAJAMANICKAM

H.C.P. No. 1024 of 2020

Eswari

... Petitioner /
Mother of the Detenu

vs

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai 600 009.
 2. The District Collector and District Magistrate,
Kancheepuram District, Kancheepuram.
 3. The Superintendent of Police,
Kancheepuram District, Kancheepuram.
 4. The Superintendent of Prison,
Central Prison, Vellore - 2.
 5. The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the entire records in connection with detention order passed by the second respondent dated 08.03.2020 in BCDFGISSSV No.15/2020 against the petitioner's son Narayanan @ Naresh, male, aged 24 years, S/o. Venkatesan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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 Narayanan @ Naresh, aged 24 years, S/o. Venkatesan, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.15/2020 dated 08.03.2020, 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. 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 extension 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.175 & 177 of the booklet, it is clear that the remand extension 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 BCDFGISSSV No.15/2020 dated 08.03.2020, passed by the second respondent is set aside. The detenu, namely, Narayanan @ Naresh, aged 24 years, S/o. Venkatesan, 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 the Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Kancheepuram District, Kancheepuram.
- 3.The Superintendent of Police,
Kancheepuram District, Kancheepuram.
- 4.The Superintendent of Prison,
Central Prison, Vellore - 2.
- 5.The Inspector of Police,
Sivakanchi Police Station,
Kancheepuram District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government
Public (law & order) Fort St.George,
Chennai-9.

H.C.P. No.1024 of 2020

GJ(CO)
RMP(15/12/2020)

सत्यमेव जयते

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