

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

Coram

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

H.C.P. No. 1059 of 2020

S.Jayanandini

... Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government,
Prohibition and Excise Department (Home),
Chennai 600 009
- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent,
Central Prison, Cuddalore District.
- 5.The Inspector of Police,
Vadalur Police Station,
Vadalur, Cuddalore.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in C3/D.O./66/2020 dated 02.06.2020 on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondents to produce the petitioner's husband Mootai Poochi @ Sambath Kumar, aged about 31 years, S/o.Kesavaperumal, who now detained in Central Prison, Cuddalore, before this Court and set him at liberty.

For Petitioner : Mr.M.Selvam

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 Mootai Poochi @ Sambathkumar, aged about 31 years, S/o.Kesavaperumal, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O./66/2020 dated 02.06.2020, 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 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.86 & 87 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 C3/D.O./66/2020 dated 02.06.2020, passed by the second respondent is set aside. The detenu, namely, Mootai Poochi @ Sambathkumar, aged about 31 years, S/o.Kesavaperumal, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

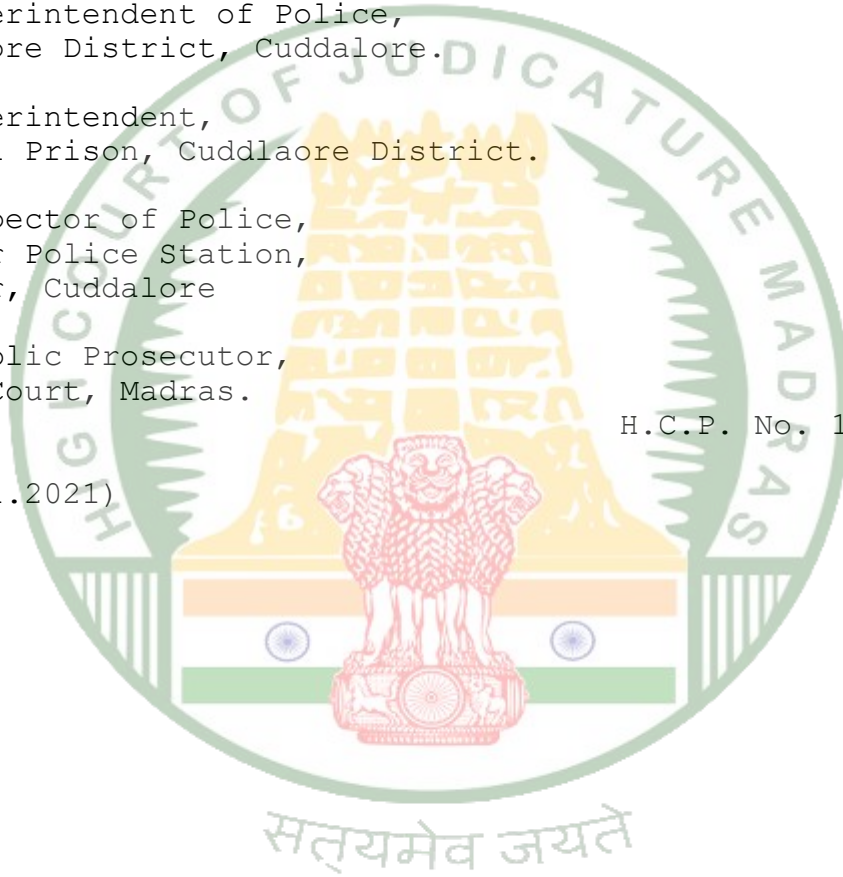
mmi/ssm

To

- 1.The Secretary to Government,
Prohibition and Excise Department (Home),
Chennai 600 009
- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 4.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 5.The Superintendent,
Central Prison, Cuddalore District.
- 6.The Inspector of Police,
Vadalur Police Station,
Vadalur, Cuddalore
7. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1059 of 2020

A.SK(18.01.2021)



WEB COPY