

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

Coram

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

H.C.P. No. 1084 of 2020

Ravikumar

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
 2. The Commissioner of Police/Detaining Authority,
Office of Commissioner of Police,
Coimbatore City, Coimbatore.
 3. The Superintendent of Prison,
Central Prison, Coimbatore.
 4. The Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore City, Coimbatore.
- ...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing to produce the body of the detenu by name R.Dhilipkumar, son of Ravikumar, aged 23 years, presently confined at Central Prison, Coimbatore, before this Court and set him at liberty forthwith, after calling for the records pertaining to the detention order dated 19.02.2020 made in vide C.No.27/G/IS/2020 passed by the 2nd respondent, quash the same.

For Petitioner : Mr.B.Mohan

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 father of R.Dhilipkumar, son of Ravikumar, aged 23 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.No.27/G/IS/2020 dated 19.02.2020, holding him to be a "Cyber Law Offender", as contemplated under Section 2(bb) 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 arrest intimation 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.11 and 12 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 C.No.27/G/IS/2020 dated 19.02.2020, passed by the second respondent is set aside. The detenu, namely, R.Dhilipkumar, son of Ravikumar, aged 23 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

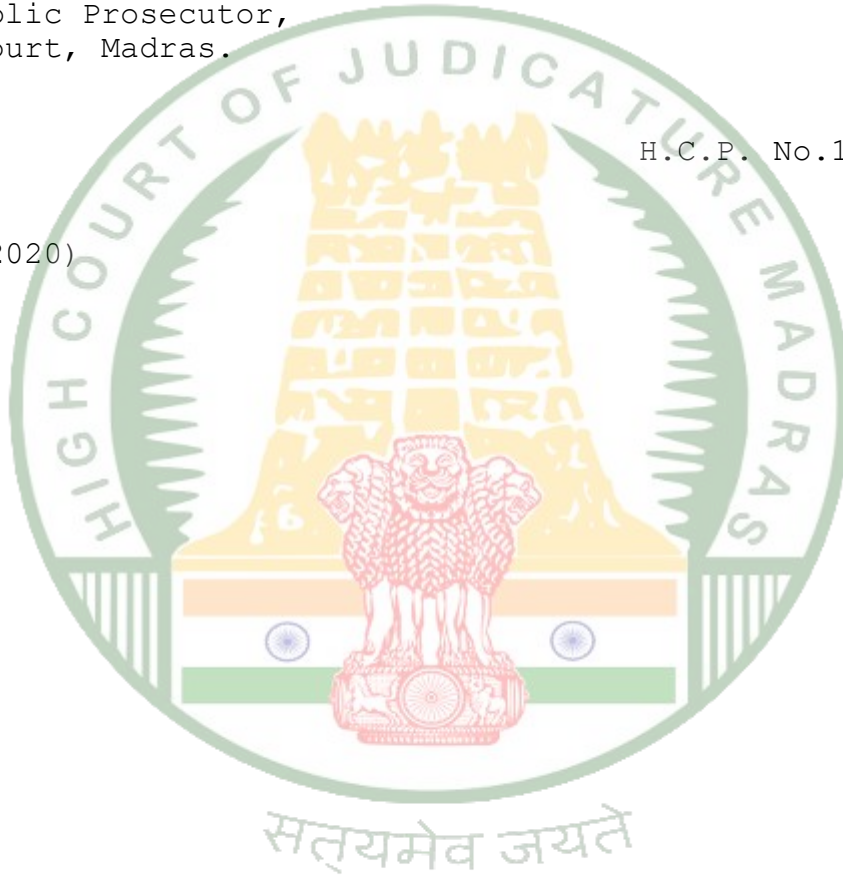
To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2. The Commissioner of Police/Detaining Authority,
Office of Commissioner of Police,
Coimbatore City, Coimbatore.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Inspector of Police,
B-1 Bazaar Police Station,
Coimbatore City, Coimbatore.
5. The Public Prosecutor,
High Court, Madras.

H.C.P. No.1084 of 2020

AD(CO)
RV(10/12/2020)



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