

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2020

Coram

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

H.C.P. No. 1086 of 2020

Anitha

...Petitioner

vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Villupuram District, Villupuram.
3. The Superintendent of Police,
Villupuram District.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Inspector of Police,
Brammadesam Police Station,
Villupuram District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus, calling for the records of the 2nd respondent herein concerned in No.Rc.No.C2/3156/2020, dated 25.02.2020 and set aside the order of detention passed therein against the detenu by name Balu, S/o. Arumugam, aged about 36 years who has been detained as "Bootlegger", the petitioner's husband, quashing the same and setting him at liberty now detained in Central Prison, Cuddalore.

For Petitioner : Mr.Swami Subramanian

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 Balu, S/o. Arumugam, aged about 36 years, who is the detenu. The detenu has been detained by the second respondent by his order in No.Rc.No.C2/3156/2020, dated 25.02.2020, 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. 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 similar case bail petition is not 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.52 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 in No.Rc.No.C2/3156/2020, dated 25.02.2020, passed by the second respondent is set aside. The detenu, namely, Balu, S/o. Arumugam, aged about 36 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

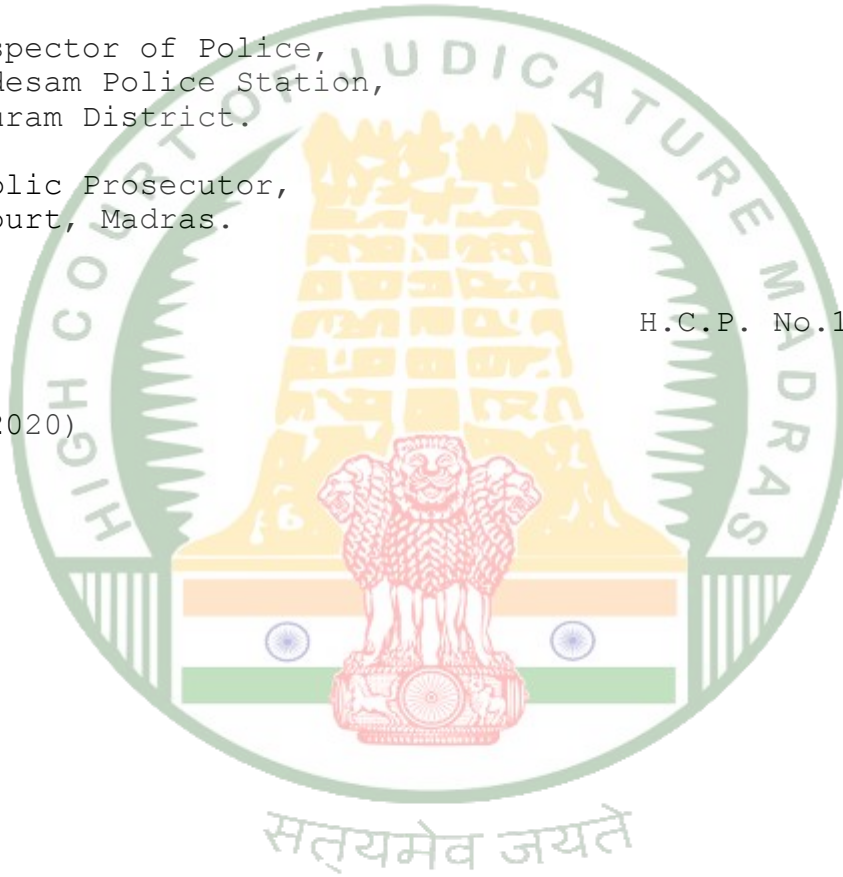
To

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

2. The Joint Secretary to Government,
Public(Law&Order)
Fort Saint George, Chennai-9.
3. The District Collector and District Magistrate,
Villupuram District, Villupuram.
4. The Superintendent of Police,
Villupuram District.
5. The Superintendent of Prison,
Central Prison, Cuddalore.
6. The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
7. The Public Prosecutor,
High Court, Madras.

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



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