

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2020

Coram

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

H.C.P. No. 1120 of 2020

E.SUMATHI

... Petitioner

-vs-

- 1.STATE OF TAMILNADU, REP. BY
THE SECRETARY,
HOME, PROHIBITION AND EXCISE
DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600009.
- 2.THE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
SALEM CITY, SALEM DISTRICT.
- 3.THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, SALEM, SALEM DISTRICT.
- 4.THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records relating to the detention order in C.M.P.No.22/GOONDA/SALEM CITY/2020, dated 19.05.2020 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son AANJI @ SUGANESWARAN, S/o. ELUMALAI, aged about 27 years the detenu, now confined in Central Prison, Salem before this Court and set the petitioner's son AANJI @ SUGANESWARAN, S/O. ELUMALAI aged about 27 years the detenu herein at liberty.

For Petitioner .. Mr.S.Ganesh Kumar

For Respondents.. Mr.R.Prathap Kumar
Addl. Public Prosecutor

Page numbers

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the mother of Aanji @ Suganeswaran, S/o. Elumalai, aged about 27 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.M.P.No.22/GOONDA/SALEM CITY/2020, dated 19.05.2020, 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 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 No.65 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.M.P.No.22/GOONDA/SALEM CITY/2020, dated 19.05.2020 passed by the second respondent is set aside. The detenu, namely, Aanji @ Suganeswaran S/o. Elumalai, aged about 27 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

mmi/ssm

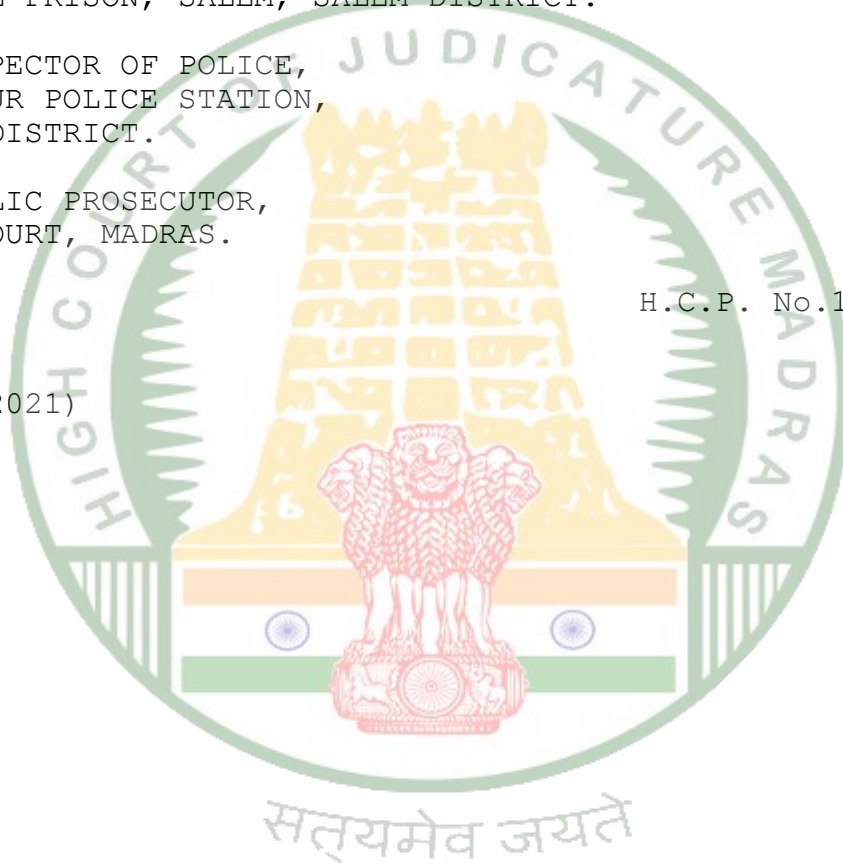
Page numbers

To

- 1.THE SECRETARY,
HOME, PROHIBITION AND EXCISE
DEPARTMENT, FORT ST. GEORGE,
CHENNAI-600009.
- 2.THE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
SALEM CITY, SALEM DISTRICT.
- 3.THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, SALEM, SALEM DISTRICT.
- 4.THE INSPECTOR OF POLICE,
KARUPPUR POLICE STATION,
SALEM DISTRICT.
- 5.THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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Page numbers