

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.1125 OF 2020

G.Indhirani

... Petitioner/
Mother of the Detenu

-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

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records relating to the detention order in C.M.P.NO.24/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 respondent to Produce the petitioner's son SOMU @ VETRIVEL, S/O. GUNASEKARAN, aged about 26 years the detenu, now confined in Central Prison, Salem before this Court and set the petitioner's son SOMU @ VETRIVEL, S/O.GUNASEKARAN, aged about 26 years, the detenu herein at liberty.

For Petitioner : Mr.D.Gopikrishnan

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 Somu @ Vetrivel, S/o. Gunasekaran, aged about 26 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.M.P.NO. 24/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.71 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. 24/GOONDA/SALEM CITY/2020, dated 19.05.2020, passed by the second respondent is set aside. The detenu, namely, Somu @ Vetrivel, S/o. Gunasekaran, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

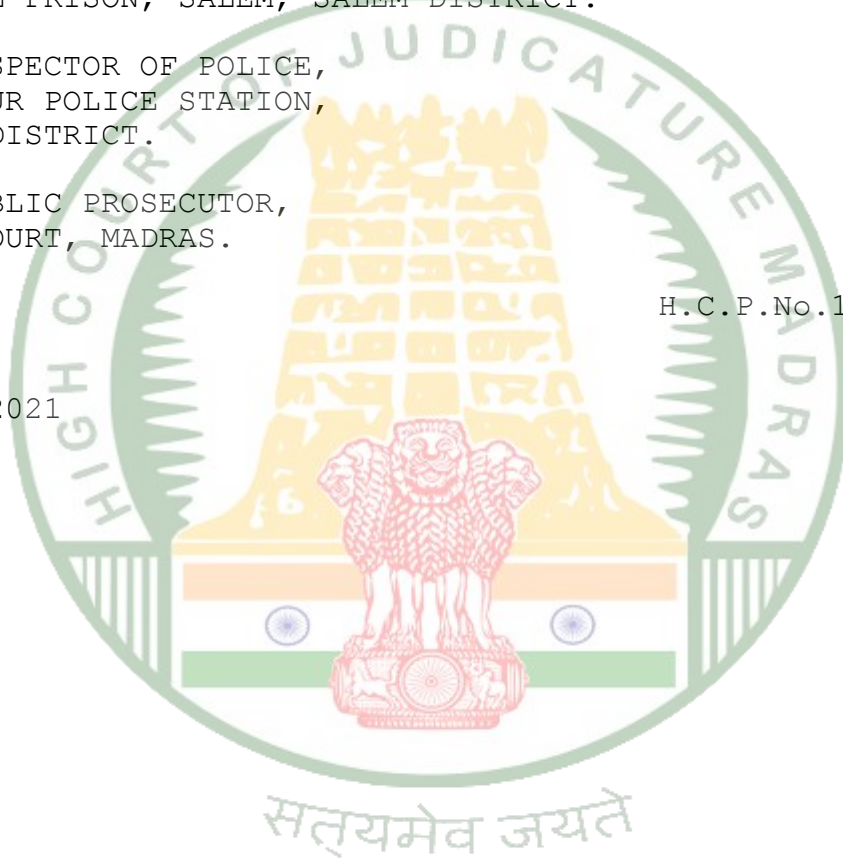
mmi/ssm

To

1. THE SECRETARY,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT ST. GEORGE,
CHENNAI-600009.
2. THE COMMISSIONER OF POLICE,
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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.

H.C.P.No.1125 of 2020

RV(CO)
CS/03/02/2021



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