

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. 1127 of 2020

B.Anushree Pradeepa ...Petitioner/wife of detenue

-vs-

1. The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Office of the Police Commissioner,
Salem City, Line Medu, Salem- 636 006.
3. The Superintendent of Prison,
Salem Central Prison, Hasthampatty,
Salem - 636 007.
4. The Inspector of Police,
Hasthampatty Police Station,
Salem District - 636 007. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the entire records connected with the detention order in CMP No.28/Goonda/Salem City/2020 dated 27.05.2020 on the file of the Respondent No-2 and quash the same and direct the Respondents to produce the body and person of the Petitioner's husband one named Thiru Balu @ Balakrishnan, S/o. Vasudevan, aged about 38 years, now confined at Central Prison, Salem, before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Mohamed Saifulla

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 @ Balakrishnan, S/o. Vasudevan, aged about 38 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo CMP No.28/Goonda/Salem City/2020, dated 27.05.2020, 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 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.115 & 116 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 CMP No.28/Goonda/Salem City/2020 dated 27.05.2020 passed by the second respondent is set aside. The detenu, namely, Balu @ Balakrishnan, S/o. Vasudevan, aged about 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-

Assistant Registrar

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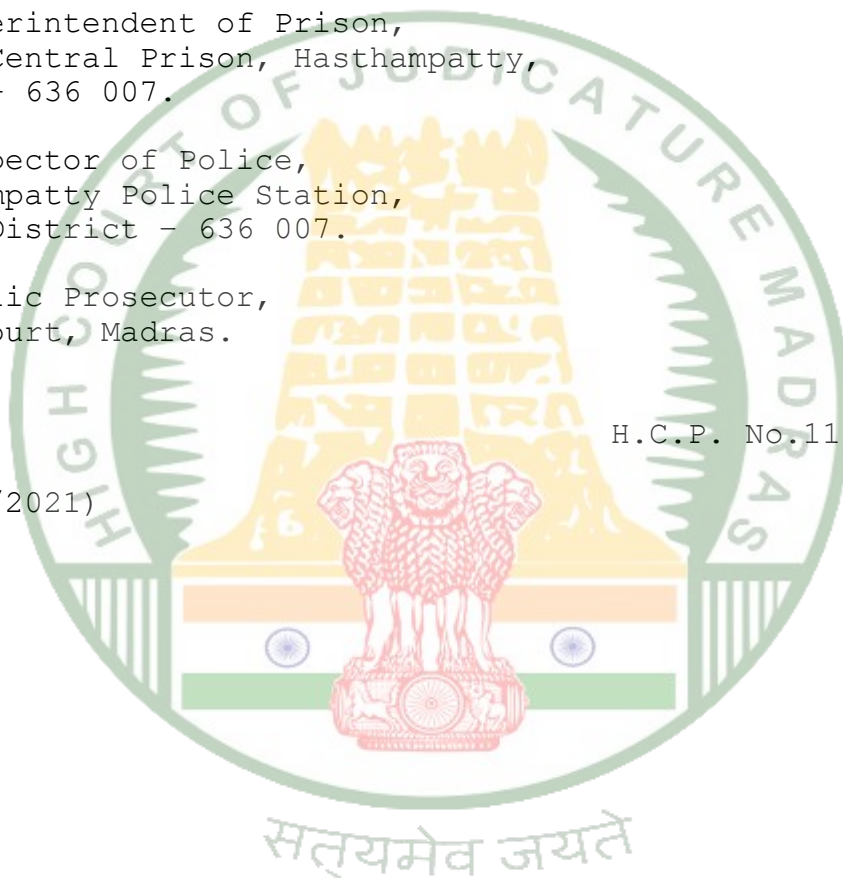
Sub Assistant Registrar

mmi/ssm
To

- 1.The Secretary to Government,
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- 2.The Commissioner of Police,
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- 4.The Inspector of Police,
Hasthampatty Police Station,
Salem District - 636 007.
- 5.The Public Prosecutor,
High Court, Madras.

RV(CO)
RMP(19/01/2021)

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