

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

Coram

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

H.C.P. No. 1130 of 2020

S.Vijay ... Petitioner

vs

1.The State rep. By
The District Collector and District
Magistrate, Cuddalore District.

2.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai - 600 009.

3.The Superintendent of Police,
Cuddalore District.

4.The Superintendent of Prisons,
Special Prison for Women, Vellore.

5.The Inspector of Police,
Prohibition Enforcement Wing,
Panruti, Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records vide Memo No.C3/D.O./05/2020 dated 29.01.2020 passed by the first respondent to set aside the same and direct the respondents to produce the body of the detinue Jaya, W/o.Subrayan, age 45 before this Court the detinue is now confined in the Special Prison for Women, Vellore and set liberty to the detinue.

For Petitioner : Mr.T.Balachandran

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 son of Jaya, W/o.Subbrayan, aged 45 years, who is the detenu. The detenu has been detained by the first respondent by his order in Memo No.C3/D.O./05/2020 dated 29.01.2020, holding her 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 bail application pertaining to the similar case has not been 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.155 of the booklet, it is clear that the bail application pertaining to the similar case has not been 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 Memo No.C3/D.O./05/2020 dated 29.01.2020, passed by the first respondent is set aside. The detenu namely, Jaya, W/o.Subbrayan, aged 45 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The District Collector and District Magistrate, Cuddalore District.
- 2.The Secretary to Government, Home, Prohibition & Excise Department, Secretariat, Chennai - 600 009.
- 3.The Superintendent of Police, Cuddalore District.
- 4.The Superintendent of Prisons, Special Prison for Women, Vellore.
- 5.The Inspector of Police, Prohibition Enforcement Wing, Panruti, Cuddalore District.
- 6.The Public Prosecutor, High Court, Madras.
- 7.The Joint Secretary to Government, Public(Law & Order), Fort Saint George, Chennai - 9.

H.C.P. No.1130 of 2020

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srg 08/12/2020