

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

Coram

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

H.C.P. No. 1136 of 2020

Maheshwari

..Petitioner

.Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate,
Tiruvannamalai District.
3. The Superintendent of Prison,
Tiruvannamalai District.
4. The Inspector of Police,
Arni Town Police Station, Tiruvannamalai District.
5. The Superintendent,
Central Prison, Vellore District.

..Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to call for the records of the District Collector and District Magistrate, Tiruvannamalai, the 2nd respondent herein in connection with the Detention order No. 35/2020-C2 dated 07.05.2020 and quash the same and further direct the respondents to produce the detenu Isaac Santhosham (49 years), S/o. George Seenivasan detained in Central Prison, Vellore, before this Court and set him at liberty forthwith.

For Petitioner : Ms.M.Rebecca

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 Isaac Santhosham, aged about 49 years, S/o. George Seenivasan, who is the detenu. The detenu has been detained by the second respondent by his order in No. 35/2020-C2 dated 07.05.2020, 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. 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 accident register copy pertaining to the ground 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.42 of the booklet, it is clear that the accident register copy pertaining to the ground 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 No. 35/2020-C2 dated 07.05.2020, passed by the second respondent is set aside. The detenu, namely, Isaac Santhosham, aged about 49 years, S/o. George Seenivasan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

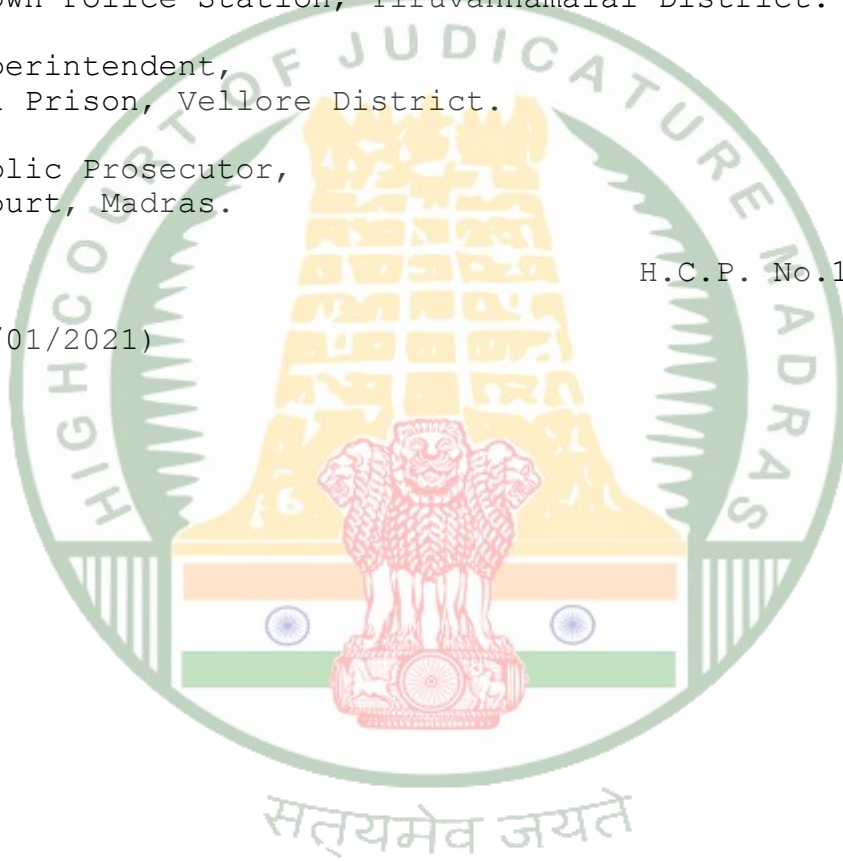
To

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

2. The District Collector and District Magistrate,
Tiruvannamalai District.
3. The Secretary to Government,
Public (Law & Order), Fort St.George,
Chennai-9
4. The Superintendent of Prison,
Tiruvannamalai District.
5. The Inspector of Police,
Arni Town Police Station, Tiruvannamalai District.
6. The Superintendent,
Central Prison, Vellore District.
7. The Public Prosecutor,
High Court, Madras.

H.C.P. No.1136 of 2020

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