

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

Coram

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

H.C.P. No. 1148 of 2020

Selvi

..Petitioner

Vs.

- 1.The Secretary to the Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.District Collector and District Magistrate
of Ranipet District Ranipet-1.
- 3.The Superintendent of Police
Ranipet District, Ranipet.
- 4.The Superintendent of Prison
Central Prison Vellore-2.
- 5.The Inspector of Police
Arcot Town Police Station Ranipet District. Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to call for the in connection with the order of detention passed by the 2nd respondent dated 16.05.2020 in B3/D.O.No.43/2020 against the petitioner's son Ajithkumar, male, aged 21 years, S/o.Jawahar, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr. S.Senthilvel

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 Ajithkumar, male, aged 21 years, S/o.Jawahar, who is the detenu. The detenu has been detained by the second respondent by his order in B3/D.O.No.43/2020 dated 16.05.2020, 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 similar case bail 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.108 & 110 of the booklet, it is clear that the similar case bail 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 B3/D.O.No.43/2020 dated 16.05.2020, passed by the second respondent is set aside. The detenu, namely, Ajithkumar, male, aged 21 years, S/o.Jawahar, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

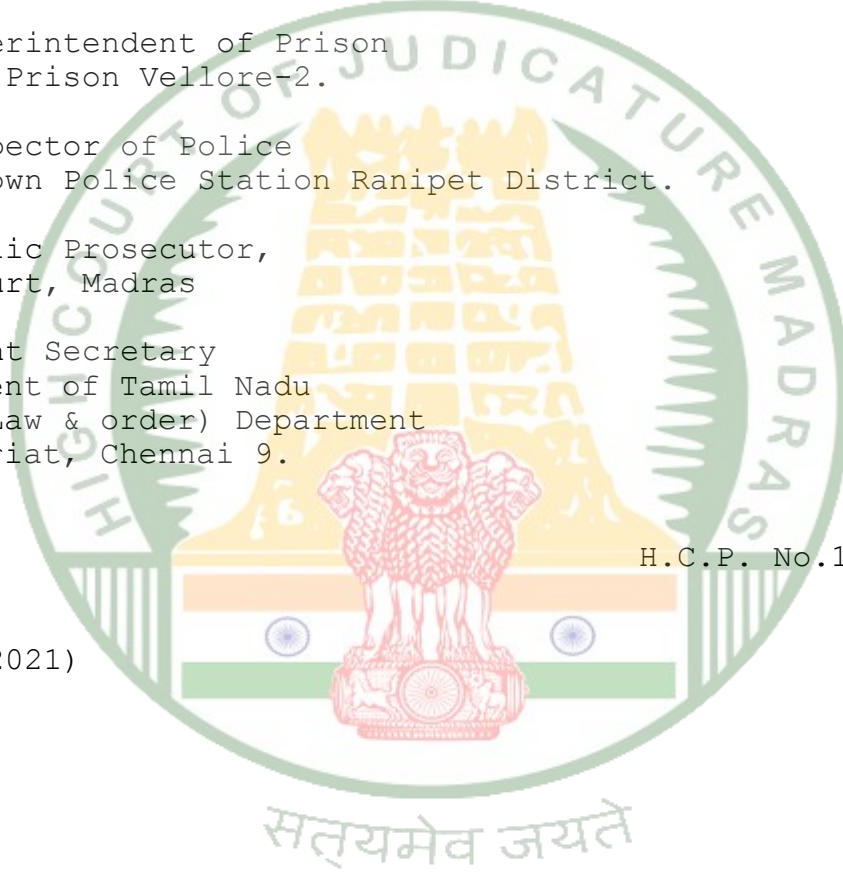
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To

- 1.The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate
of Ranipet District Ranipet-1.
- 3.The Superintendent of Police
Ranipet District, Ranipet.
- 4.The Superintendent of Prison
Central Prison Vellore-2.
- 5.The Inspector of Police
Arcot Town Police Station Ranipet District.
- 6.The Public Prosecutor,
High Court, Madras
- 7.The Joint Secretary
Government of Tamil Nadu
Public(Law & order) Department
Secretariat, Chennai 9.

H.C.P. No.1148 of 2020

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SP(07/01/2021)



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