

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. 1170 of 2020

K. Anjammal ..Petitioner/Mother of the Detenue

Vs.

1. The State of Tamil Nadu, rep. By
The Additional Chief Secretary to the
Government, Home, Prohibition and Excise
Department,
Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate,
Ariyalur District, Ariyalur.
3. The Superintendent of Police,
Ariyalur District, Ariyalur.
4. The Superintendent,
Central Prison, Tiruchirappalli.
5. The Inspector of Police,
Keelapalur Police Station, Ariyalur,
Ariyalur District.

..Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus calling for the entire records in connection with the detention order passed in Cr.M.P.No.55/2020 dated 02.06.2020 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Kalaivanan, S/o. Kanagasabai, male aged 20 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

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 Kalaivanan, S/o. Kanagasabai, aged 20 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.55/2020 dated 02.06.2020, 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 post mortem certificate 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 Nos.50 & 51 of the booklet, it is clear that the post mortem certificate 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 Cr.M.P.No.55/2020 dated 02.06.2020 passed by the second respondent is set aside. The detenu, namely, Kalaivanan, S/o. Kanagasabai, aged 20 years, is

directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Additional Chief Secretary to the Government, Home, Prohibition and Excise Department, Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate, O/o. The District Collector and District Magistrate, Ariyalur District, Ariyalur.
3. The Superintendent of Police, Ariyalur District, Ariyalur.
4. The Superintendent, Central Prison, Tiruchirappalli.
5. The Inspector of Police, Keelapalur Police Station, Ariyalur, Ariyalur District.
6. The Public Prosecutor, High Court, Madras.
7. The Joint Secretary to Government, Public (law and order) Department, Secretariat, Chennai.

H.C.P. No.1170 of 2020

CO (NMI)
BDL/18/01/2021