

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

Coram

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

H.C.P. No. 1171 of 2020

Ramasamy

..Petitioner

Vs.

1. The State of Tamilnadu,
Rep. By its Secretary to Government
(Home) Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
 2. The District Magistrate and
District Collector, Erode, Erode District.
 3. The Superintendent of Prison,
Coimbatore Central Prison, Coimbatore District.
 4. The Superintendent of Police,
Erode District.
 5. The State rep. By, Inspector of Police,
Chithode Police Station, Erode District.
- Respondents ..

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus calling for the entire records of the 2nd respondent in his proceeding CrI.M.P.No. 07/Goonda/2020/C1 dated 20.02.2020 to quash the same and consequently direct the respondents to produce the petitioner's son Mani aged 53 years before this Court now confined in Central Prison, Coimbatore and set him at liberty forthwith.

For Petitioner Mr.N.Chinnaraj

:

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 father of Mani, aged about 53 years, Son of Ramasamy, who is the detenu. The detenu has been detained by the second respondent by his order in CrI.M.P.No. 07/Goonda/2020/C1 dated 20.02.2020, 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 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. 134 and 135 of the booklet, it is clear that the 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 CrI.M.P.No. 07/Goonda/2020/C1 dated 20.02.2020, passed by the second respondent is set aside. The detenu, namely, Mani, aged about 53 years, Son of Ramasamy, is directed to be released forthwith unless his detention is required in connection with any other case.

WEB COPY

Sd/-

Assistant Registrar

//True Copy//

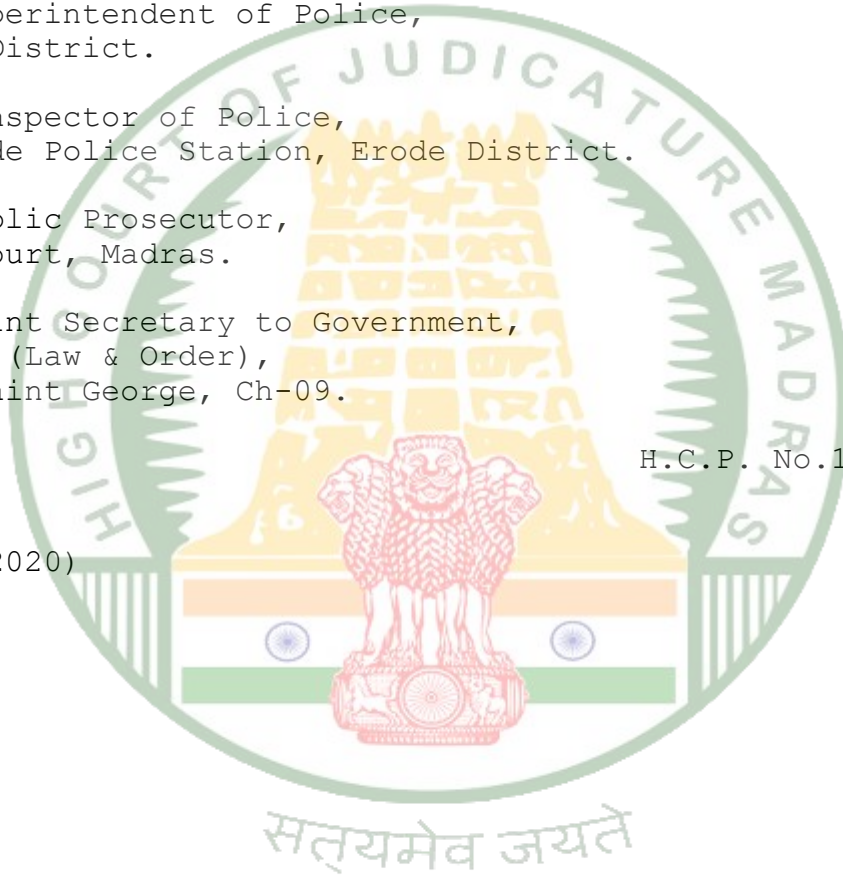
Sub Assistant Registrar

To

1. The Secretary to Government
(Home) Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The District Magistrate and
District Collector, Erode, Erode District.
3. The Superintendent of Prison,
Coimbatore Central Prison, Coimbatore District.
4. The Superintendent of Police,
Erode District.
5. The Inspector of Police,
Chithode Police Station, Erode District.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government,
Public (Law & Order),
Fort Saint George, Ch-09.

H.C.P. No.1171 of 2020

PP(CO)
RV(04/12/2020)



WEB COPY