

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

Coram

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

H.C.P. No. 1177 of 2020

R. Ramya

...Petitioner

Vs

1. The Principal Secretary to the Government of Tamil Nadu, Home, Prohibition and Excise Department, Fort St. George, Chennai -9.
2. The District Collector and District Magistrate, Cuddalore District, Cuddalore.
3. The Superintendent of Police, Cuddalore District, Cuddalore.
4. The Superintendent of Prison, Central Prison, Cuddalore.
5. Station House Officer, Devanampattinam Police Station, Cuddalore District.Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records in C3/D.O/80/2020 on the file of the first respondent, set aside the detention order dated 25.06.2020 and direct the second respondent to produce the detenu Sivaraman Son of Chinnadurai, aged about 39 years, presently detained at the Central Prison, Cuddalore under the Tamil Nadu Act 14 of 1982 as a GOONDA, before this Court and set him at liberty.

For Petitioner : Mr.K. Balasubramaniam

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 Sivaraman Son of Chinnadurai, aged about 39 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O./80/2020 dated 25.06.2020, 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 remand order 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.167 of the booklet, it is clear that the remand order 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 C3/D.O./80/2020 dated 25.06.2020, passed by the second respondent is set aside. The detenu, namely, Sivaraman Son of Chinnadurai, aged about 39 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

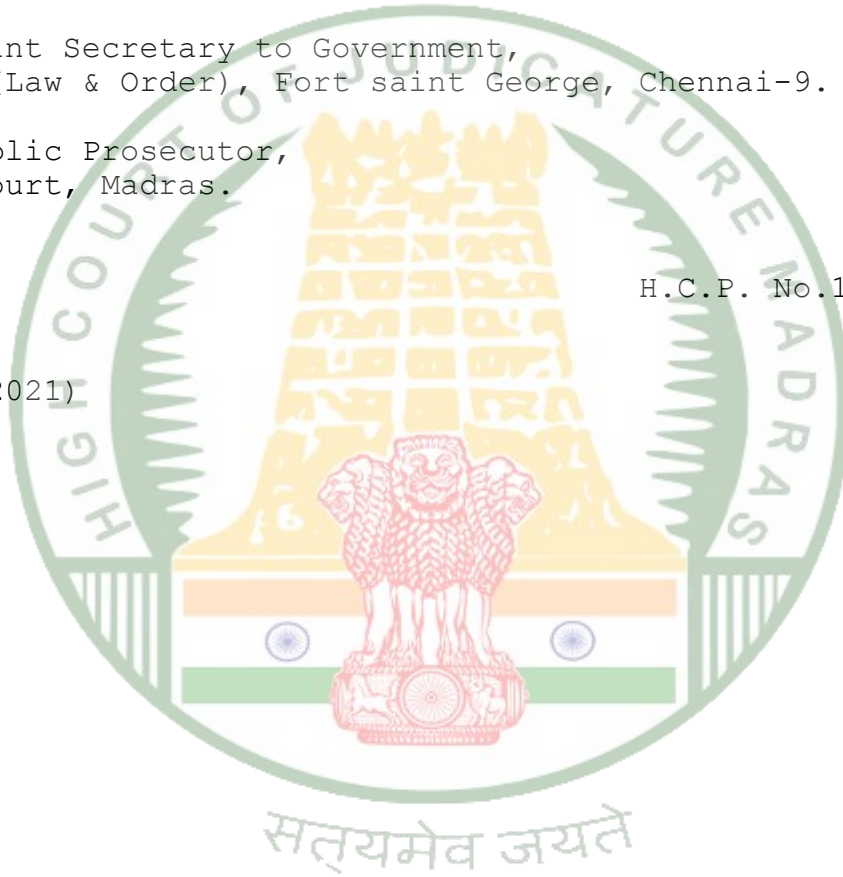
To

1. The Principal Secretary to the Government of Tamil Nadu, Home, Prohibition and Excise Department, Fort St. George, Chennai -9.

2. The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
3. The Superintendent of Police,
Cuddalore District, Cuddalore.
4. The Superintendent of Prison,
Central Prison, Cuddalore.
5. The Station House Officer,
Devanampattinam Police Station,
Cuddalore District.
6. The Joint Secretary to Government,
Public(Law & Order), Fort saint George, Chennai-9.
7. The Public Prosecutor,
High Court, Madras.

H.C.P. No.1177 of 2020

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