

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

Coram

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

H.C.P. No. 1196 of 2020

Meenavathi

... Petitioner

Vs

1.The State of Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai -9.

2.The District Collector and District  
Magistrate, Tiruvannamalai District.

3.The Superintendent of Police,  
Tiruvannamalai District.

4.The Inspector of Police,  
Kadaladi Police Station, Tiruvannamalai District.

5.The Superintendent,  
Central Prison, Vellore,  
Vellore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records of the District Collector and District Magistrate, Tiruvannamalai, the 2nd respondent herein in connection with the Detention order No. 48/2020-C2, dated 11.06.2020 and quash the same and further direct the respondents to produce the Detenue Ravi (49 years) S/o. Kannan 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 Ravi, aged 49 years, S/o. Kannan, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No. 48/2020-C2 dated 11.06.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 remand 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. 73 & 74 of the booklet, it is clear that the remand 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 D.O.No. 48/2020-C2 dated 11.06.2020 passed by the second respondent is set aside. The detenu, namely, Ravi, aged 49 years, S/o. Kannan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-  
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm  
To

1.The State of Government,  
Home, Prohibition and Excise Department,  
Fort St. George, Chennai -9.

2.The District Collector and District,  
Magistrate, Tiruvannamalai District.

3.The Superintendent of Police,  
Tiruvannamalai District.

4.The Inspector of Police,  
Kadaladi Police Station, Tiruvannamalai District.

5.The Superintendent,  
Central Prison, Vellore, Vellore District.

6.The Public Prosecutor,  
High Court, Madras.

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