

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. 1191 of 2020

S. Sumithra

... Petitioner

Vs

1.The State of Tamilnadu, Rep. By
its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.

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

3.The Superintendent of Police,
O/o. Superintendent Office,
Kancheepuram, Kancheepuram District.

4.The Superintendent of Prison,
Central Prison, Vellore, Vellore District.

5.The State rep. By its
Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records relating to the proceedings of the 2nd respondent herein B.C.D.F.G.I.S.S.S.V.No.30/2020 dated 23.06.2020 and quash the same and produce the detenu Thiru. Venkatesan, TPDA No. 8016 now detained at Central Prison, Vellore District, before this Court and set him at liberty.

For Petitioner : Mr.K.G.Senthilkumar

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 Venkatesan, S/o.Elumalai, aged 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.30/2020 dated 23.06.2020, 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 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 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. 159 to 161 of the booklet, it is clear that the similar case bail order has not 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 B.C.D.F.G.I.S.S.S.V.No.30/2020 dated 23.06.2020, passed by the second respondent is set aside. The detenu, namely, Venkatesan, S/o.Elumalai, aged 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
 - 2.The District Collector and District
Magistrate, Kancheepuram,
Kancheepuram District.
 - 3.The Superintendent of Police,
O/o. Superintendent Office,
Kancheepuram, Kancheepuram District.
 - 4.The Superintendent of Prison,
Central Prison, Vellore, Vellore District.
 - 5.The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
 - 6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
 - 7.The Public Prosecutor,
High Court, Madras.
- H.C.P. No.1191 of 2020
- A.SK(20.01.2021)



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