

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. 1203 of 2020

A. Ammasi

... Petitioner

Vs

- 1.The State of Tamil Nadu, Rep. By
its Secretary, Home, Prohibition and
Excise Department, Fort St. George, Chennai -9.
- 2.The Commissioner of Police,
Salem City, Salem District.
- 3.The Superintendent of Prison,
Central Prison, Salem.

.... 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 detention order passed by the 2nd respondent dated 10.06.2020 in C.M.P. No. 35/GOONDA/Salem City/2020 and quash the same and direct the respondents to produce the detenu namely Mani @ Manikandan, aged 25 years, son of Ammasi, before this Court and now confined at Central Prison, Salem and set him at liberty forthwith.

For Petitioner : Mr. K. Selvaraj

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 @ Manikandan, aged 25 years, son of Ammasi, who is the detenu. The detenu has been

detained by the second respondent by his order in C.M.P. No. 35/GOONDA/Salem City/2020 dated 10.06.2020, 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 similar case arrest intimation 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.17 of the booklet, it is clear that the similar case arrest intimation 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 C.M.P. No.35/GOONDA/Salem City/2020 dated 10.06.2020, passed by the second respondent is set aside. The detenu, namely, Mani @ Manikandan, aged 25 years, son of Ammasi, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mni/ssm

To

1.The Secretary, Home, Prohibition and
Excise Department, Fort St. George, Chennai -9.

2.The Commissioner of Police,
Salem City, Salem District.

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3.The Superintendent of Prison,
Central Prison, Salem.

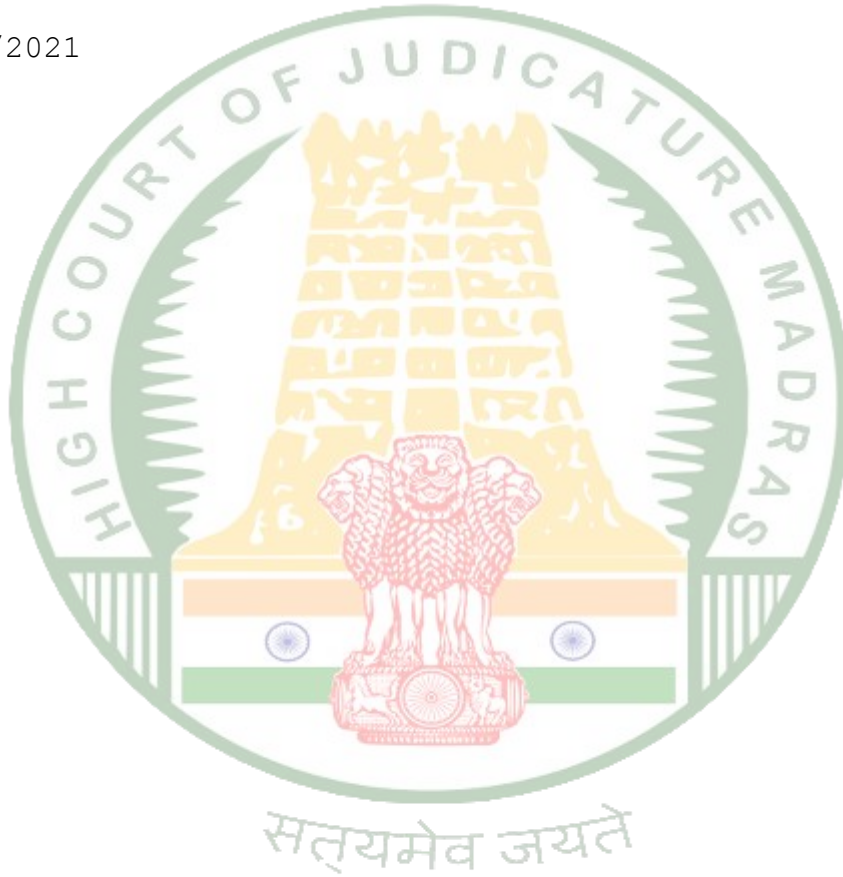
4.The Inspector of Police,
Kondalampatty Police Station,Salem District.

5.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.K.Selvaraj, Advocate, SR42231

H.C.P. No.1203 of 2020

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BDL/21/01/2021



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