

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

Coram

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

H.C.P. No. 1199 of 2020

Vasanth

... Petitioner

Vs

- 1.The State of Tamilnadu, Rep. By
Secretary to Government
Prohibition and Excise Department,
Fort St. George, Chennai -9.
 - 2.The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
 - 3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.
 - 4.The Superintendent of Prison,
Central Prison, Puzhal.
 - 5.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur 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 detention order dated 24.06.2020 passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.18/2020 and quash the same and direct the respondents herein to produce the petitioner's son Rajesh @ Rajesh Kumar @ 220 Pulsar Rajesh, son of Vasanth, aged 22 years, 4/411-A, MGR Street, P.T.Moorthy Nagar, Padinallur, Ponneri Taluk, Thiruvallur District, who is presently undergoing detention in the Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Chandrasekar

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 Rajesh @ Rajesh Kumar @ 220 Pulsar Rajesh, son of Vasanth, aged 22 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.18/2020 dated 24.06.2020, 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 post mortem certificate 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.48 & 49 of the booklet, it is clear that the post mortem certificate 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 B.C.D.F.G.I.S.S.S.V.No.18/2020, dated 24.06.2020, passed by the second respondent is set aside. The detenu, namely, Rajesh @ Rajesh Kumar @ 220 Pulsar Rajesh, son of Vasanth, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government
Prohibition and Excise Department,
Fort St. George, Chennai -9.
- 2.The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
- 3.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 4.The Superintendent of Police,
Thiruvallur District, Thiruvallur.
- 5.The Superintendent of Prison,
Central Prison, Puzhal.
- 6.The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
- 7.The Public Prosecutor,
High Court, Madras.

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