

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. 1235 of 2020

Panchalai

... Petitioner

Vs.

- 1.The Government of Tamil Nadu, Represented
by its Secretary to Government,
Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector & District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu District, Chengalpattu.
- 4.The Superintendent,
Central Prison, Puzhal, Chennai - 600 066.
- 5.Inspector of Police,
Chunambedu Police Station,
Chengalpattu District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records relating to the proceedings of the 2nd respondent in B.C.D.F.G.I.S.S.S.V. No.18/2020 dated 30.06.2020 against the petitioner Son Rangaiyan, S/o.Duraikannu, aged about 30 years and quash the same and consequently direct the respondents herein to produce the detenu who is detained under the Tamil Nadu Act, 14 of 1982 currently confined at Central Prison, Puzhal before this Court and set him at liberty.

For Petitioner : Mr.P.Anbazhagan

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 mother of Rangaiyan, S/o.Duraikannu, aged about 30 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 30.06.2020 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 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 & 75 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 B.C.D.F.G.I.S.S.S.V. No.18/2020 dated 30.06.2020 passed by the second respondent is set aside. The detenu, namely, Rangaiyan, S/o.Duraikannu, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

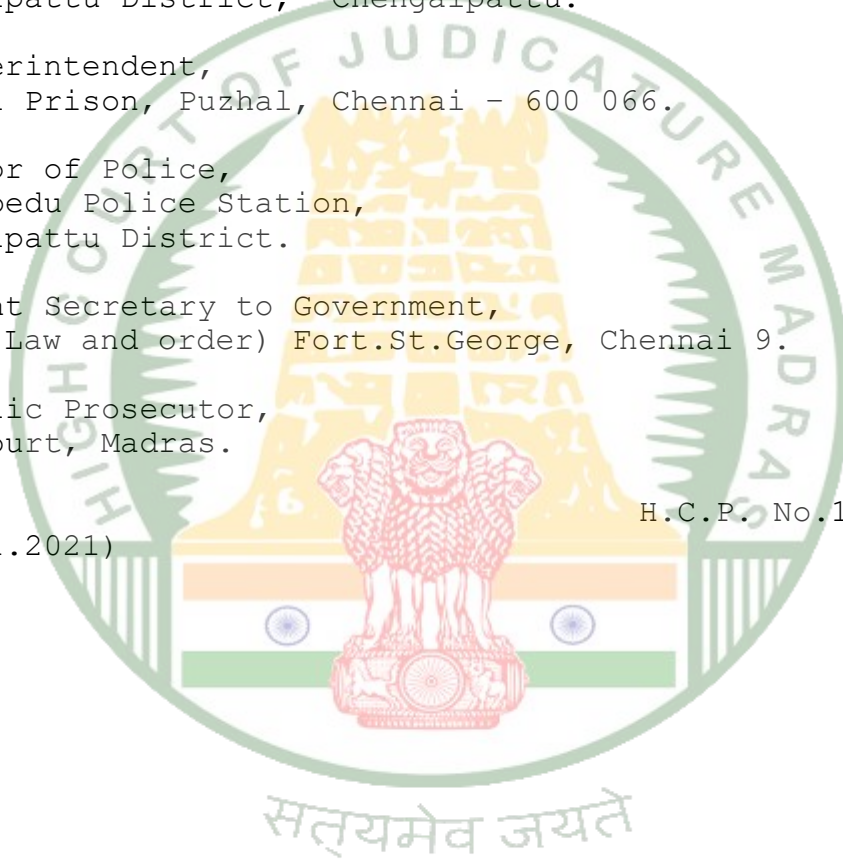
mmi/ssm

To

- 1.The Secretary to Government,
Government of Tamil Nadu, Represented
Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector & District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu District, Chengalpattu.
- 4.The Superintendent,
Central Prison, Puzhal, Chennai - 600 066.
- 5.Inspector of Police,
Chunambedu Police Station,
Chengalpattu 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.1235 of 2020

A.SK(18.01.2021)



WEB COPY