

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. 1219 of 2020

T.Manjalazhagi

... Petitioner

Vs

1.The Principal Secretary to the Government
of Tamil Nadu, Home, Prohibition and
Excise Department, Fort St. George,
Chennai -9.

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

3.The Superintendent of Police,
Cuddalore District, Cuddalore.

4.The Superintendent of Prison,
Central Prison, Cuddalore.

5.The Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in C3/D.O/83/2020 on the file of the second respondent, set aside the detention order dated 30.06.2020 and direct the second respondent to produce the detenu Manimaran, son of Thangasamy, aged about 30 years, presently detained at the Central Prison, Cuddalore under the Tamil Nadu Act 14 of 1982 as a GOONDA, before this Court and set him at liberty.

For Petitioner : Mr.K.Balasubramaniam

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 Manimaran, son of Thangasamy, aged about 30 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O/83/2020 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 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.129 & 130 of the booklet, it is clear that the similar case bail order 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 C3/D.O/83/2020, dated 30.06.2020, passed by the second respondent is set aside. The detenu, namely, Manimaran, son of Thangasamy, 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 Principal Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 4.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 5.The Superintendent of Prison,
Central Prison, Cuddalore.
- 6.The Inspector of Police,
Kumaratchi Police Station, Cuddalore District.
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P. No.1219 of 2020

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