

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. 1230 of 2020

Santhoshkumar

... Petitioner

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
 2. The District Collector and District Magistrate
of Tiruvannamalai Distirct, Tiruvannamalai.
 3. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
 4. The Superintendent of Prison,
Central Prison, Vellore 2.
 5. The Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai 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 connection with the order of Detention passed by the second respondent 30.06.2020 in D.O.No.56/2020-C2 against Santhoshkumar, Male, aged 31 years, S/o. Mani, who is confined at Central Prison Vellore, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner

Mr.S.Senthilvel

For Respondents

Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner - Santhoshkumar, aged 31 years, S/o. Mani, himself is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.56/2020-C2, 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 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.28 of the booklet, it is clear that the 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 D.O.No.56/2020-C2 dated 30.06.2020, passed by the second respondent is set aside. The detenu, namely, Santhoshkumar, aged 31 years, S/o. Mani, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

mmi/ssm

Sub Assistant Registrar

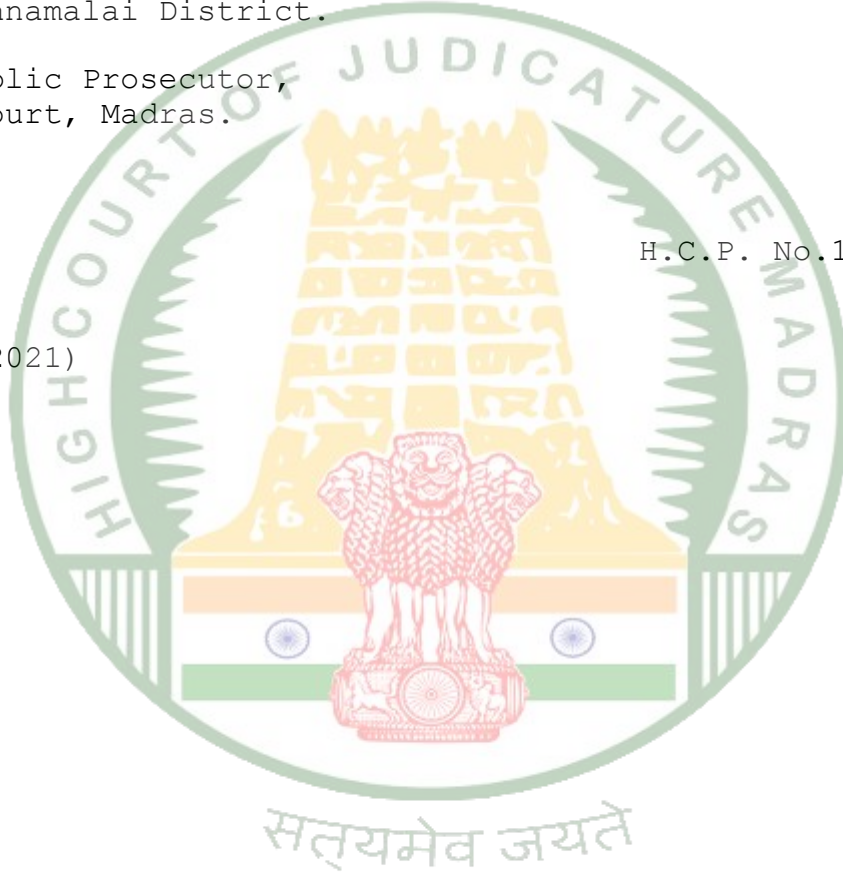
To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
2. The District Collector and District Magistrate
of Tiruvannamalai Distirct, Tiruvannamalai.

3. The Secretary to Government,
Public(Law & Order), Fort saint George, Chennai-9.
4. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
5. The Superintendent of Prison,
Central Prison, Vellore 2.
6. The Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.
7. The Public Prosecutor,
High Court, Madras.

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