

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. 1287 of 2020

Amudha ... Petitioner

Vs.

- 1.The District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
 - 2.Government of Tamil Nadu,
Rep. By its Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
 - 3.The Superintendent,
Central Prison, Vellore District.
 - 4.Inspector of Police,
Vanapuram 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 D.O.No.45/2020-C2 dated 10.06.2020 on the file of the 1st respondent and quash the same and direct the respondents herein to produce the body of the detenu Elumalai, M/A.44 years, son of Subramani, now confined in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.S.Silambuselvan

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 wife of Elumalai, aged 44 years, son of Subramani, who is the detenu. The detenu has been detained by the first respondent by his order in D.O.No.45/2020-C2, dated 10.06.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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.45/2020-C2, dated 10.06.2020, passed by the first respondent is set aside. The detenu, namely, Elumalai, aged 44 years, son of Subramani, 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 District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
- 2.The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 3.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 4.The Superintendent,
Central Prison, Vellore District.
- 5.Inspector of Police,
Vanapuram Police Station,
Tiruvannamalai District.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P. No.1287 of 2020

um[co]
srg 20/01/2021

सत्यमेव जयते

WEB COPY