

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

Coram

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

H.C.P. No.1241 of 2020

Lakshmi

.. Petitioner

Vs

1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Prison,
Greater Chennai,
Vepery, Chennai - 600 007.

3.The Inspector of Police,
J-6, Thiruvannmiyur Police Station,
Chennai District.

4.The Superintendent of Police,
Central Prison, Puzhal,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus against the detention order passed by the second respondent in BCDFGISSSV No./95/2020 dated 16.03.2020 directing respondents to produce the petitioner's spm Prabudoss, S/o. Balaji, aged about 25 years who is now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.M.Kabilan
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 Prabudoss, S/o. Balaji aged 25 years, who is the detenu. The detenu has been detained by the second respondent by his order in No. BCDFGISSSV No./95/2020 dated 16.03.2020, 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 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. 251 and 253 of the booklet, it is clear that the remand extension 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 No. BCDFGISSSV No./95/2020 dated 16.03.2020, , passed by the second respondent is set aside. The detenu, namely, Prabudoss, S/o. Balaji aged 25 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ak/nv

To

- 1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public Law and Order,
Secretariat, Chennai 600009.

- 3.The Commissioner of Prison,
Greater Chennai,
Vepery, Chennai - 600 007.

- 4.The Inspector of Police,
J-6, Thiruvanmiyur Police Station,
Chennai District.

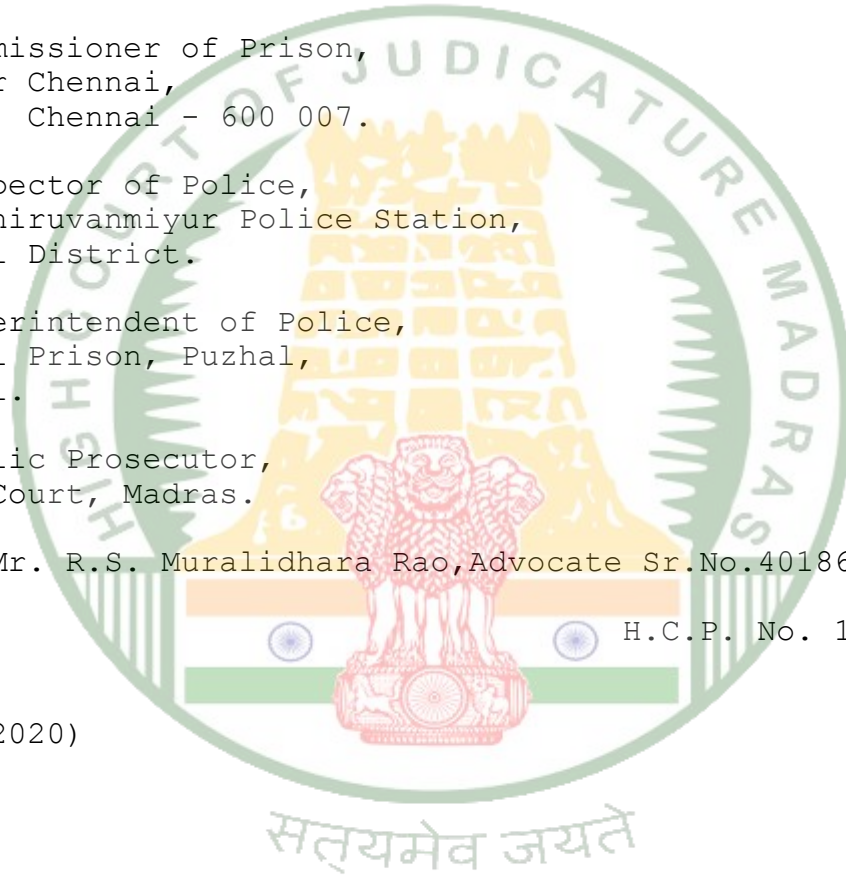
- 5.The Superintendent of Police,
Central Prison, Puzhal,
Chennai.

- 6.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr. R.S. Muralidhara Rao, Advocate Sr.No.40186

H.C.P. No. 1241 of 2020

NR(CO)
NS(28/12/2020)



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