

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.1249 of 2020

Usharani Krishnan

..Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvannamalai,
Tiruvannamalai District.
3. The Superintendent of Police
Tiruvannamalai,
Tiruvannamalai District.
4. The Inspector of Police,
Arni Town Police Station,
Tiruvannamalai District.
5. The Superintendent of Prison
Central Prison,
Vellore.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus, to call for the records in connection with against the detention order passed by the second respondent in No. D.O.No.09/2020-C2 dated 20.02.2020 directing respondents to produce the petitioner's son namely Ajithkumar, S/o. Krishnan, who is confined at Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.T.Saravanan
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 Ajithkumar, aged 21 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.09/2020-C2 dated 20.02.2020, 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.67 of the booklet, it is clear that the arrest intimation 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 D.O.No.09/2020-C2 dated 20.02.2020, passed by the second respondent is set aside. The detenu, namely, Ajithkumar, S/o. Krishnan aged 21 years is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ak/nv

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruvannamalai,
Tiruvannamalai District.
- 3.The Superintendent of Police
Tiruvannamalai,
Tiruvannamalai District.
- 4.The Inspector of Police,
Arni Town Police Stationi,
Tiruvannamalai District.
- 5.The Superintendent of Prison
Central Prison,
Vellore.
6. The Public Prosecutor,
High Court, Madras.

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BP(CO)
SP(07/01/2021)



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