

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. 1282 of 2020

Dhanalakshmi

... Petitioner

Vs.

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 09.
- 2.The District Collector and District Magistrate
of Kancheepuram,
Kancheepuram District,
Kancheepuram.
- 3.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
- 4.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 5.State Rep. By
The Inspector of Police,
Magaral Police Station,
Kanchipuram.

... 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 2nd respondent dated 23.06.2020 in Memo No.BCDFGISSSV No.31/2020 against the petitioner husband Babu, M/28 years, Son of Mani, who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Saranraj

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 Babu, Male, aged 28 years, Son of Mani, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.BCDFGISSSV No.31/2020, dated 23.06.2020 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 bail application 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.201 of the booklet, it is clear that the bail application 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 Memo No.BCDFGISSSV No.31/2020, dated 23.06.2020 passed by the second respondent is set aside. The detenu, namely, Babu, Male, aged 28 years, Son of Mani, 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

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 09.
- 2.The District Collector and District Magistrate
of Kancheepuram,
Kancheepuram District,
Kancheepuram.
- 3.The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
- 4.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 5.The Inspector of Police,
Magaral Police Station,
Kanchipuram.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary to Government
Public (law and order)
Fort. St. George
Chennai 9.

H.C.P. No.1282 of 2020

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SP(08/01/2021)



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