

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. 1214 of 2020

Sagurvan

... Petitioner

Vs.

- 1.The Secretary to the Government,
Home Prohibition & Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu, Chengalpattu District.
- 4.The Superintendent,
Central Prison, Puzhal, Chennai.
- 5.State Represented By:-
The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in Connection with the order of Detention passed by the 2nd Respondent dated 13.06.2020 in Memo.BCDFGISSSV.No.12/2020 against the petitioner son Raguman, M/A 24 years, Son of Askar Ali, who is confined at Central Prison, Puzal, Chennai and set aside the same and consequently direct the respondents to produce the detainee before this Court and set him at liberty.

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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 mother of Raguman, aged 24 years, Son of Askar Ali, who is the detenu. The detenu has been detained by the second respondent by his order in Memo.BCDFGISSSV.No.12/2020 dated 13.06.2020, 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 similar case bail order 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 Nos.135 to 137 of the booklet, it is clear that the similar case bail order 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.BCDFGISSSV.No.12/2020 dated 13.06.2020 passed by the second respondent is set aside. The detenu, namely, Raguman, aged 24 years, Son of Askar Ali, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-VII)

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Sub Assistant Registrar

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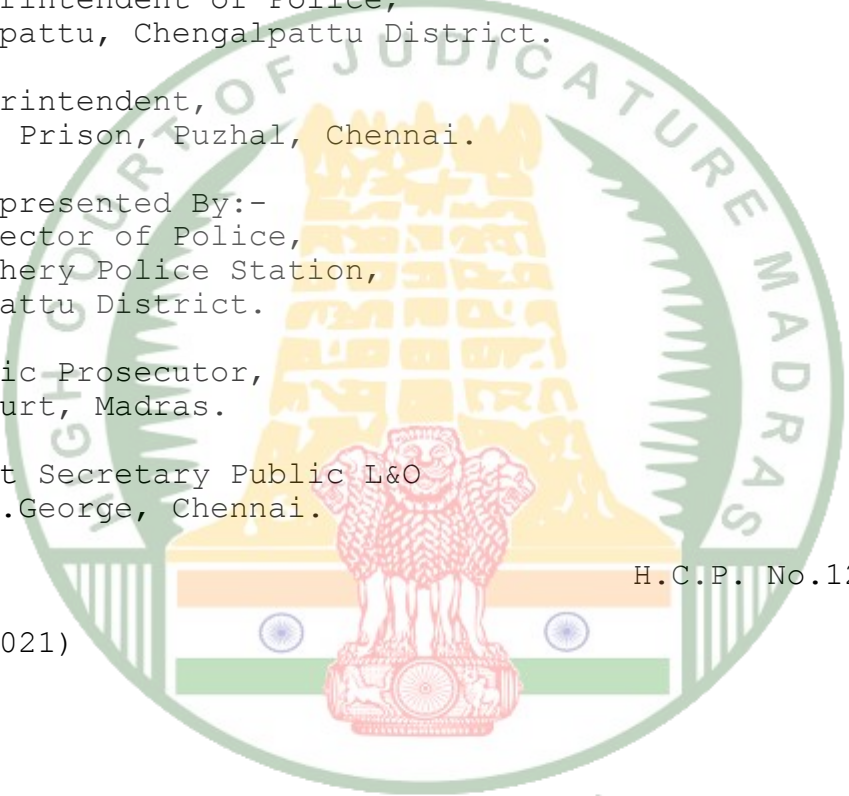
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To

- 1.The Secretary to the Government,
Home Prohibition & Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Chengalpattu District, Chengalpattu.
- 3.The Superintendent of Police,
Chengalpattu, Chengalpattu District.
- 4.The Superintendent,
Central Prison, Puzhal, Chennai.
- 5.State Represented By:-
The Inspector of Police,
Guduvanchery Police Station,
Chengalpattu District.
- 6.The Public Prosecutor,
High Court, Madras.
- 7.The Joint Secretary Public L&O
Fort St.George, Chennai.

CP(CO)
CB(21/01/2021)

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