

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. 1342 of 2020

A.Nanthakumar

... Petitioner

Vs.

- 1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St. George, Chennai - 600 009.
- 2.The District Collector cum District Magistrate
and Detaining Authority, Chengalpet District,
Chengalpet.
- 3.The Superintendent of Police, Chengalpet,
Chengalpet District.
- 4.The Additional Superintendent,
Prison - II, Puzhal, Chennai.
- 5.The Inspector of Police cum
Sponsoring Authority,
Madhuranthagam Police Station,
Madhuranthagam,
Chengalpet District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to produce the body of the petitioner's brother namely Thirukumar @ Thiru, son of Ayyappan, aged about 42 years, who is detained in 4th respondent/The Additional Superintendent, Prison-II, Puzhal, Chennai before this Court and set him at liberty forthwith by calling for the records pursuant to the detention order dated 30.06.2020 made in BCDFGISSSV No.19/2020 on the file of the 2nd Respondent herein and quash the same.

For Petitioner : Mr.B.Gopalakrishnan

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 brother of Thirukumar @ Thiru, son of Ayyappan, aged about 42 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo BCDFGISSSV No.19/2020 dated 30.06.2020, 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 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.131 & 133 of the booklet, it is clear that the remand 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 BCDFGISSSV No.19/2020 dated 30.06.2020, passed by the second respondent is set aside. The detenu, namely, Thirukumar @ Thiru, son of Ayyappan, aged about 42 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St. George, Chennai - 600 009.
 - 2.The District Collector cum District Magistrate
and Detaining Authority, Chengalpet District,
Chengalpet.
 - 3.The Superintendent of Police, Chengalpet,
Chengalpet District.
 - 4.The Additional Superintendent,
Prison - II, Puzhal, Chennai.
 - 5.The Inspector of Police cum
Sponsoring Authority,
Madhuranthagam Police Station,
Madhuranthagam, Chengalpet District
 - 6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai
 - 7.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.B.Gopalakrishnan , Advocate SR.No. 42692
H.C.P. No.1342 of 2020
- A.SK(20.01.2021)

सत्यमेव जयते

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