

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.1292 OF 2020

M.Thulasi

... Petitioner/
Wife of the Detenue

Vs.

1. The State rep. By its,
The Additional Chief Secretary to the
Government, Home, Prohibition & Excise
(XVI) Department, Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate, Villupuram District - 605 602.
3. The Superintendent of Prison,
Central Prison, Cuddalore 607 044.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram District 605 602.
5. The Inspector of Police,
Marakkanam Police Station, Villupuram 604 303.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in detention order in C2/12140/2020 dated 27.06.2020 on the file of the 2 nd respondent herein and set aside the same direct the respondents herein to produce the body of the petitioner's husband Murugan @ Velmurugan S/o. Duraikannu aged 50 years before this Court, now confined in Central Prison at Cuddalore and set him at liberty.

For Petitioner : Mr.M.Mohamed Saifulla

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 Murugan @ Velmurugan S/o. Duraikannu aged 50 years, who is the detenu. The detenu has been detained by the second respondent by his order in C2/12140/2020 dated 27.06.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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. We have also perused the records produced by the Detaining Authority.

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 No.69 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 C2/12140/2020 dated 27.06.2020, passed by the second respondent is set aside. The detenu, namely, Murugan @ Velmurugan S/o. Duraikannu aged 50 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Additional Chief Secretary to the Government, Home, Prohibition & Excise (XVI) Department, Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate, Office of the District Collector and District Magistrate, Villupuram District - 605 602.
3. The Superintendent of Prison, Central Prison, Cuddalore 607 044.
4. The Superintendent of Police, Office of the Superintendent of Police, Villupuram District 605 602.
5. The Inspector of Police, Marakkanam Police Station, Villupuram 604 303.
6. The Public Prosecutor, High Court, Madras.
7. The Joint Secretary, Public (Law & Order) Department, Secretariat, Chennai.

H.C.P.No.1292 of 2020

NMI (CO)
CS/20/01/2021

सत्यमेव जयते

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