

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1352 of 2020

Jayammal

... Petitioner/Mother of
the detune

-vs-

1. State of Tamilnadu
Rep. by The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The District Magistrate and District Collector,
Salem District, Salem.
3. The District Superintendent of Police,
Salem District, Salem.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Inspector of Police,
C1, Ammapatti Police Station,
Salem City.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the 2nd respondent in C.M.P.No.26/Goonda/Salem City/2020 dated 21.05.2020 against the petitioner Jayammal's son the detenu by name Tamilselvam @ Nattamai Selvam, male, aged 25/2020, son of Mathiyalagan, now confined in Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham

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 Tamilselvam @ Nattamai Selvam, male, aged 25 years, son of Mathiyalagan, who is the detenu. The detenu has been detained by the second respondent by his order in C.M.P.No.26/Goonda/Salem City/2020 dated 21.05.2020, 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 arrest intimation 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 No. 98 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 C.M.P.No.26/Goonda/Salem City/2020, dated 21.05.2020, passed by the second respondent is set aside. The detenu, namely, Tamilselvam @ Nattamai Selvam, male, aged 25 years, son of Mathiyalagan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

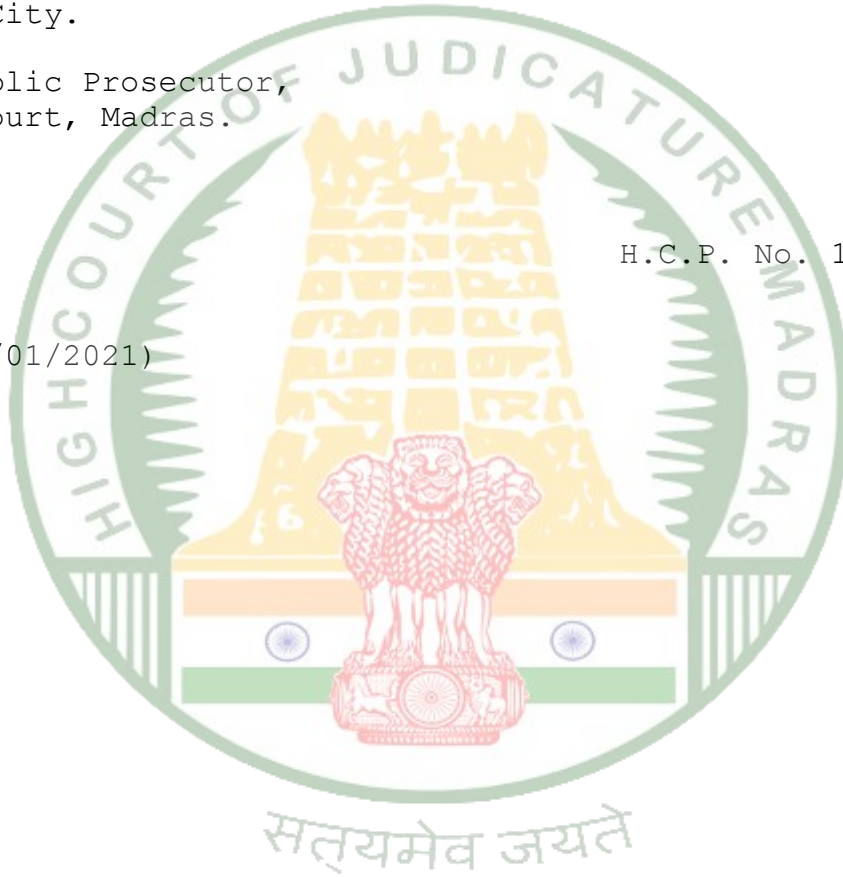
To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

2. The District Magistrate and District Collector,
Salem District, Salem.
3. The District Superintendent of Police,
Salem District, Salem.
4. The Superintendent of Prison,
Central Prison, Salem.
5. The Inspector of Police,
C1, Ammapatti Police Station,
Salem City.
6. The Public Prosecutor,
High Court, Madras.

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