

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

Coram

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

H.C.P. No. 1416 of 2020

Devi Karunakaran

... Petitioner

-vs-

1. Government of Tamil Nadu
Rep. By its Additional Chief Secretary,
Home Prohibition and Excise Department,
Secretariat, Chennai 600 009.
 2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.
 3. The Superintendent,
Central Prison, Vellore.
 4. The Superintendent of Police,
Kancheepuram District.
 5. The Inspector of Police,
Manimangalam Circle,
Kancheepuram District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in detention order BCDFGISSSV No.20 of 2020 and TDPA No.7907 dated 18.03.2020 on the file of the second respondent and quash the same and direct the respondents herein to produce the body of the detenu Karunakaran @ Periya Karuna, S/o.Munusamy, male, aged 38 years now confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner .. Mr.M.Mohamed Saifulla
for Ms.R.Gomathy

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 Karunakaran @ Periya Karuna, S/o.Munusamy, male, aged 38 years, who is the detenu. The detenu has been detained by the second respondent by his order in No.20/BCDFGISSSV/2020 dated 18.03.2020, 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 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.209 & 211 of the booklet, it is clear that the similar case bail 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 No.20/BCDFGISSSV/2020 dated 18.03.2020, passed by the second respondent is set aside. The detenu, namely, Karunakaran @ Periya Karuna, S/o.Munusamy, male, aged 38 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssm

To

1.The Additional Chief Secretary,
Home Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.

3.The Superintendent,
Central Prison, Vellore.

4.The Superintendent of Police,
Kancheepuram District.

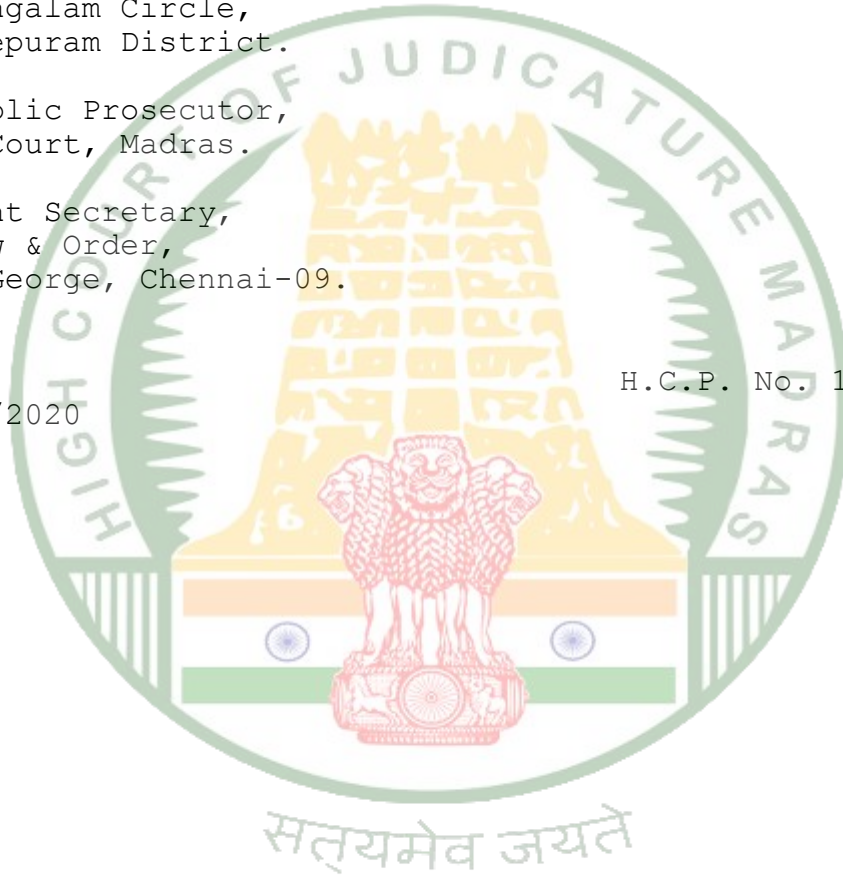
5.The Inspector of Police,
Manimangalam Circle,
Kancheepuram District.

6. The Public Prosecutor,
High Court, Madras.

7 The Joint Secretary,
Public Law & Order,
Fort, St.George, Chennai-09.

SDR 17/12/2020

H.C.P. No. 1416 of 2020



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