

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

Coram

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

H.C.P. No. 1498 of 2020

S.Vinitha

.. Petitioner

vs

1. The State
Rep by The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.
2. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 09.
3. The Superintendent
Special Prison for Women, Puzhal,
Chennai - 66.
4. The Inspector of Police,
Civil Supplies CID, Chennai Unit.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of habeas corpus calling for the records in Memo No.11/Black Marketing Act/2020 dated 04.08.2020 passed by the 1st Respondent under Sub Section 3(2)(b) R/W.3(1) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 (Central Act 7 of 1980) passed by the first respondent herein and set aside the same as illegal and produce the detinue Sathya @ Sathyapriya, aged 36 years, wife of Selvakumar, who is confined at Special Prison for Women, Puzhal, Chennai - 66 before this Court and set her at liberty.

For Petitioner : Mr. S.V.D.Rajendra Prasad

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 daughter of Sathya @ Sathyapriya, aged 36 years, wife of Selvakumar, who is the detainee. The detainee has been detained by the first respondent by his order in Memo No.11/Black Marketing Act/2020 dated 04.08.2020, holding her to be a "Black Marketeer", as contemplated under Sub Section 3(2) (b) R/W.3(1) of the Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act 1980 (Central Act 7 of 1980). 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 certain documents have not been properly translated in vernacular language. This deprived the detainee 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.31, 87, 143, 205 and 275 of the booklet, it is clear that the said documents have 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 Memo No.11/Black Marketing Act/2020 dated 04.08.2020, passed by the first respondent is set aside.

The detenue, namely, Sathya @ Sathyapriya, aged 36 years, wife of Selvakumar, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

- 1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.
- 2.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 09.
- 3.The Superintendent
Special Prison for Women, Puzhal,
Chennai - 66.
- 4.The Inspector of Police,
Civil Supplies CID, Chennai Unit.
- 5.The Public Prosecutor,
High Court, Madras.
- 6.The Joint Secretary to Government
Public (law & order)
Fort, st.George,
Chennai-09

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CA(CO)
RMP(10/12/2020)

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