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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. 1475 of 2020

Priya

...Petitioner

-vs-

The State rep. by its

1. The Secretary to Government (Home)
Prohibition and Excise Department
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
2. The District Collector and District
Magistrate, Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District, Cuddalore - 1.
4. The Superintendent,
Central Prison, Cuddalore - 4.
5. The Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records pertaining to the order of detention dated 24.04.2020 passed by the second respondent in C3/D.O./45/2020 and quash the same and produce the petitioner's husband the detenu Radhakrishnan @ Balu, S/o.Dhakshinamoorthy, aged about 39 years, detained at Central Prison, Cuddalore before this Court and set him at liberty.



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For Petitioner : Mr.S.Senthil Kumar

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 Radhakrishnan @ Balu, S/o.Dhakshinamoorthy, aged about 39 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O./45/2020 dated 24.04.2020, 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. 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 remand 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.254 of the booklet, it is clear that the remand 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 C3/D.O./45/2020 dated 24.04.2020, passed by the second respondent is set aside. The detenu, namely, Radhakrishnan @ Balu, S/o.Dhakshinamoorthy, aged about 39 years, is directed to be released forthwith unless his



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detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Mmi/ssm

To

1. The Secretary to Government (Home)
Prohibition and Excise Department
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
2. The District Collector and District
Magistrate, Cuddalore District,
Cuddalore.
3. The Joint Secretary to Government,
Public (Law and Order),
Fort St.George,
Chennai -9.
4. The Superintendent of Police,
Cuddalore District, Cuddalore - 1.
5. The Superintendent,
Central Prison, Cuddalore - 4.
6. The Inspector of Police,
Panruti Police Station,
Panruti, Cuddalore District.
7. The Public Prosecutor,
High Court, Madras.

H.C.P. No.1475 of 2020

CO (SSI)
BDL/31/12/2020