

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

Coram

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

H.C.P. No. 1617 of 2020

Sahayaselvi

... Petitioner

-vs-

1. Secretary to Government
Home Prohibition and Excise Department
Fort St. George, Chennai 600 009
2. The District Collector and
District Magistrate,
Cuddalore District.
3. Superintendent of Police,
Cuddalore.
4. Inspector of Police,
Sholatharam Police Station.
5. Superintendent,
Central Prison, Cuddalore.

... Respondents

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus to call for the records of the second
respondent in his proceedings C3/D.O./21/2020 dated 21.02.2020 by

the District Collector and District Magistrate, Cuddalore, directing the respondents herein to produce the detenu Siva @ Joe Anthony, aged 20 years, son of Velankanni @ Mani, who is detained under Act 14/82, who is now confined in the Central Prison, Cuddalore, before this Court and set aside the detention order and set him at liberty forthwith.

For Petitioner : Mr.A.N.Rajan

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 Siva @ Joe Anthony, aged 20 years, son of Velankanni @ Mani, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O./21/2020 dated 21.02.2020, 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 bail application and bail order pertaining to similar case have 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. 100 & 103 of the booklet, it is clear that the bail application and bail order pertaining to similar case 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 C3/D.O./21/2020 dated 21.02.2020, passed by the second respondent is set aside. The detenu, namely, Siva @ Joe Anthony, aged 20 years, son of Velankanni @ Mani, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.M.S.,J.) (D.K.K.,J.)
23.11.2020

Index: Yes/No
mmi/ssm
To

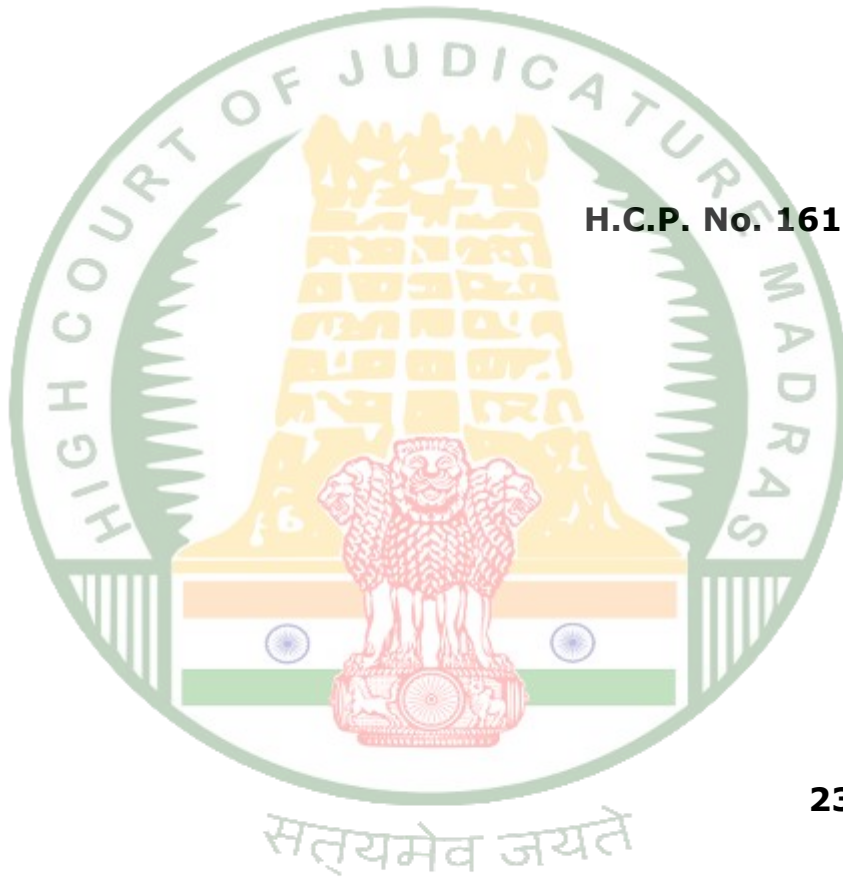
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6. The Public Prosecutor,
High Court, Madras.

M.M.SUNDRESH, J.
and

HCP No 1617 of 2020

D.KRISHNAKUMAR, J.

mmi/ssm



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