

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

Coram

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

H.C.P. No. 1955 of 2020

Selvam

... Petitioner

vs

- 1.The Principal Secretary to Government,
Food and Consumer Protection Department,
2nd Floor, Namakkal Kavingar Maaligai,
Secretariat, Chennai - 9.
 - 2.The Secretary to Government,
Ministry of Consumer Affairs,
Food and Public Distribution (Department of
Consumer Affairs), Room No.270, Krishi Bhavan,
New Delhi - 110 001.
 - 3.The District Collector and District Magistrate,
Thirupathur District, Tirupathur.
 - 4.The Superintendent,
Central Prison, Vellore, Vellore.
 - 5.The Superintendent of Police,
Tirupathur District, Tirupathur.
 - 6.The Inspector of Police,
Civil Supplies CID, Vellore Unit,
Vellore District.
- ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the records relating to the impugned order in C3.D.O.25/2020 dated 14.07.2020 on the file of the 3rd respondent herein and set aside the same as illegal and direct the respondents to produce the

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detenu namely Kumar, Son of Selvam, Hindu, aged about 35 years, now confined at Central Prison, Vellore , Vellore District before this Court and set him at liberty.

For Petitioner : Mr.C.Vinodhkumar

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 father of Kumar, Son of Selvam, Hindu, aged about 35 years, who is the detenu. The detenu has been detained by the third respondent by his order in C3.D.O.25/2020 dated 14.07.2020, holding him to be a "Black Marketeer", as contemplated under the provision of Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Act No. 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 similar case bail application and bail order 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.115 to 119 of the booklet, it is clear that the similar case bail application and bail order 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.25/2020 dated 14.07.2020, passed by the third respondent is set aside. The detenu, namely,

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Kumar, Son of Selvam, Hindu, aged about 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

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- 6.The Inspector of Police,
Civil Supplies CID, Vellore Unit,
Vellore District
- 7.The Public Prosecutor,
High Court, Madras.

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