



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice P.T.ASHA

H.C.P.No.2534 of 2019

Kalaiselvi

... Petitioner

-vs-

1.The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat,
Chennai 600 009

2.Commissioner of Police
Greater Chennai

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in connection with the order of Detention passed by the second respondent dated 03.10.2019 in Memo No.640/BCDFGISSSV/2019 against the petitioner's friend Mohamed Yasin Arabath @ Yasin, male aged 24 years, S/o.Abib Mohamed, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Honourable Court and set him at liberty.

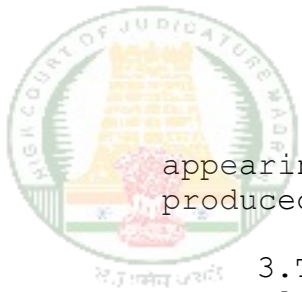
For Petitioner .. Mr.S.Senthilvel
For Respondents .. Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the friend of Mohamed Yasin Arabath @ Yasin, male, aged 24 years, S/o.Abib Mohamed, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.640/2019 dated 03.10.2019, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 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 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, it is clear that the remand 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 Memo No.640/BCDFGISSSV/2019 dated 03.10.2019, passed by the second respondent is set aside. The detenu, namely, Mohamed Yasin Arabath @ Yasin, male, aged 24 years, S/o. Abib Mohamed, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi/ms
To

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat,
Chennai 600 009
2. The Commissioner of Police
Greater Chennai
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Joint secretary to Govt,
Public (law & order)
Fort.st. George, Chennai-9

H.C.P.No.2534 of 2019

KK(CO)
RMP(14/07/2020)