

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.2614 OF 2019

S.Meri

...Petitioner

-vs-

1.The State of Tamilnadu,
rep. by Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Corporation of Chennai,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records relating to the Detention Order passed by the 2nd respondent in Detention Order in BCDFGISSSV No 570/2019 dated 09.09.2019 and quash the same and direct the respondents to produce the body or person of the detenu, Praveen Joe @ Praveen @ Kari S/o. Stalin, aged about 22 years, before this Hon'ble Court and set him at liberty, now detained at Central Prison, Puzhal, Chennai.

For Petitioner .. Mr.B.Balamurugan
For Respondents .. Mr.R.Prathap Kumar,
Addl. Public Prosecutor

सत्यमेव जयते

ORDER

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

The petitioner is the mother of Praveen Joe @ Praveen @ Kari aged about 22 years, S/o. Stalin, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.570/2019 dated 09.09.2019, 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 bail order in the similar case relied on by the detaining authority 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 especially page Nos. 561 to 563, it is clear that the bail order in the similar case 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 BCDFGISSSV No 570/2019 dated 09.09.2019, passed by the second respondent is set aside. The detenu, namely, Praveen Joe @ Praveen @ Kari aged about 22 years, S/o. Stalin, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)MDU

//True Copy//

Sub Assistant Registrar

mmi/ms

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Corporation of Chennai,
Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Joint Secretary to Government,
Public(Law and Order),
Fort St.George, Chennai - 9.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2614 of 2019

RGN(CO)
KKV/25/09/2020



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