

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.2680 of 2019

A.Suganya

...Petitioner

-vs-

1. The State of Tamil Nadu,
rep. By its Secretary to Government,
Prohibition and Excise Department,
Home, Fort St. George,
Chennai - 600 009.

2. The District Collector and
District Magistrate,
Kancheepuram District,
Kancheepuram.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the entire records relating to the Impugned order of Detention passed by the 2nd Respondent in BCDFGISSSV No.79/2019 dated 11.11.2019 and set aside the same and consequently direct the Respondents to produce the detenu ARJUNKUMAR @ ARJUN, Son of Panneer, now confined at Central Prison, Vellore before this Court and set him at liberty.

For Petitioner... Mr.Y.Deva Arul Prakash
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 ARJUNKUMAR @ ARJUN, Son of Panneer, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.79/2019 dated 11.11.2019, holding him to be a "Sand Offender", as contemplated under Section 2(gg) 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 especially Page Nos. 121 to 123, 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 BCDFGISSSV No. 79/2019 dated 11.11.2019, passed by the second respondent is set aside. The detenu, namely, ARJUNKUMAR @ ARJUN, Son of Panneer, 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

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To

1. The Secretary to Government,
State of Tamil Nadu,
Prohibition and Excise Department,
Home, Fort St. George,
Chennai - 600 009.

2. The District Collector and
District Magistrate,
Kancheepuram District,
Kancheepuram.

3.The Superintendent,
Central Prison, Vellore.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government
Public (Law and order)
Fort. St. George
Chennai 9.

H.C.P.No.2680 of 2019

SSV(CO)
SP(29/07/2020)



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