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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.2673 of 2019

Chandra ... Petitioner/Mother of the Detenu

-vs-

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

2.District Collector &
District Magistrate
Kancheepuram District,
Kancheepuram.

... 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 22.11.2019 in B.C.D.F.G.I.S.S.S.V. No.85/2019 against the petitioner Son Gandhi @ Dravid, Male aged 24 years S/o.Venkatesan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner .. Mr.D.Balaji

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 Gandhi @ Dravid, Male aged 24 years S/o.Venkatesan, who is the detenu. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V. No.85/2019 dated 22.11.2019, 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 especially Page Nos. 243 to 245, 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 B.C.D.F.G.I.S.S.S.V. No. 85/2019 dated 22.11.2019, passed by the second respondent is set aside. The detenu, namely, Gandhi @ Dravid, Male aged 24 years S/o. Venkatesan is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi

To

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

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



3.The Superintendent,
Central Prison, Vellore.

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

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2673 of 2019

VBA(CO)
CB(15/07/2020)