

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

Coram

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

H.C.P. No. 2759 of 2019

Priya

... Petitioner

-vs-

1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai - 600 009.

2.The District Magistrate and District Collector
Tiruvallur District, Tiruvallur. ... Respondents

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 petitioner's husband detention under Tamil nadu Act, 14 of 1982 vide detention order dated 19.11.2019 on the file of the second respondent herein made in proceedings BCDFGISSSV No.48/2019, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's husband, namely, Haribabu @ Harivalavan, S/o. Anandhan, aged 25 years, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison-II, Puzhal, Chennai.

For Petitioner : Mr.K.Arunprasad

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 Haribabu @ Harivalavan, S/o. Anandhan, aged 25 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo

BCDFGISSSV No.48/2019, dated 19.11.2019, holding him to be a "Goonda", as contemplated under Section 2(f) of 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 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 remand order in the ground case 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.94 and 95 of the booklet, it is clear that the remand order in the ground 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.48/2019, dated 19.11.2019, passed by the second respondent is set aside. The detenu, namely, Haribabu @ Harivalavan, S/o. Anandhan, aged 25 years 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

raa/mmi/ssm

To

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai - 600 009.
2. The District Magistrate and District Collector
Tiruvallur District
Tiruvallur.

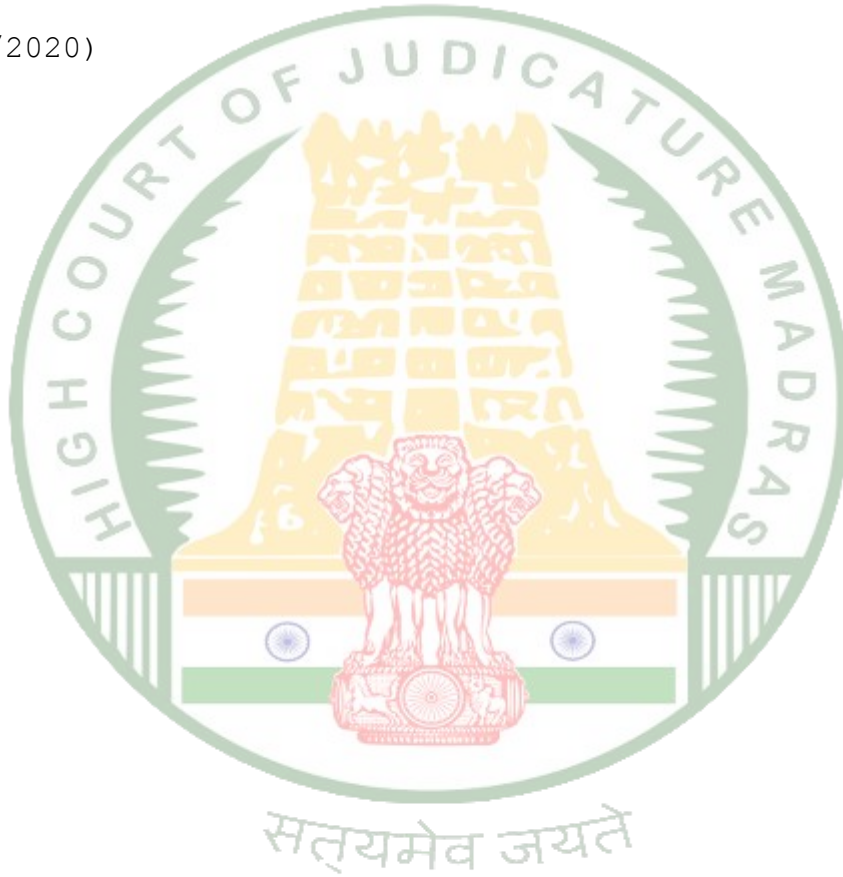
3.The Superintendent,
Central Prison, Puzhal, Chennai.

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

5.The Public Prosecutor,
High Court, Madras.

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RLD(CO)
RMP(23/07/2020)



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