

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2020

Coram

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

H.C.P. No. 2823 of 2019

Thiruvarasu

... Petitioner

-vs-

- 1.The Secretary of government
Home prohibition and excise department
Secretariat, Chennai - 600 009.
 - 2.The Commissioner of Police
Greater Chennai Police
Office of the Commissioner of Police (Goonda Section)
Vepery, Chennai - 600 007.
 - 3.The Superintendent,
Central Prison, Puzhal
Chennai - 600 066.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling upon the production of the records relating to the detention order dated 23.11.2019 made in the detention order D.No.806/BCDFGISSSV/2019 passed by the 2nd respondent to produce the body or person of the petitioner Father Thiru.Mohan, aged about 25 years - Male as goonda and now confined in Puzhal prison 2, Chennai before this Court and set him at liberty forthwith.

For Petitioner : Ms.M.Rajeswari

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 father of Mohan, S/o. Thiruvarasu, aged 25 years, who is the detenu. The detenu has been detained by the second respondent by his order No.806/BCDFGISSSV/2019 , dated 23.11.2019, 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.137 & 139 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 No.806/BCDFGISSSV/2019 , dated 23.11.2019, passed by the second respondent is set aside. The detenu, namely, Mohan, S/o. Thiruvarasu, aged 25 years is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(mdu)

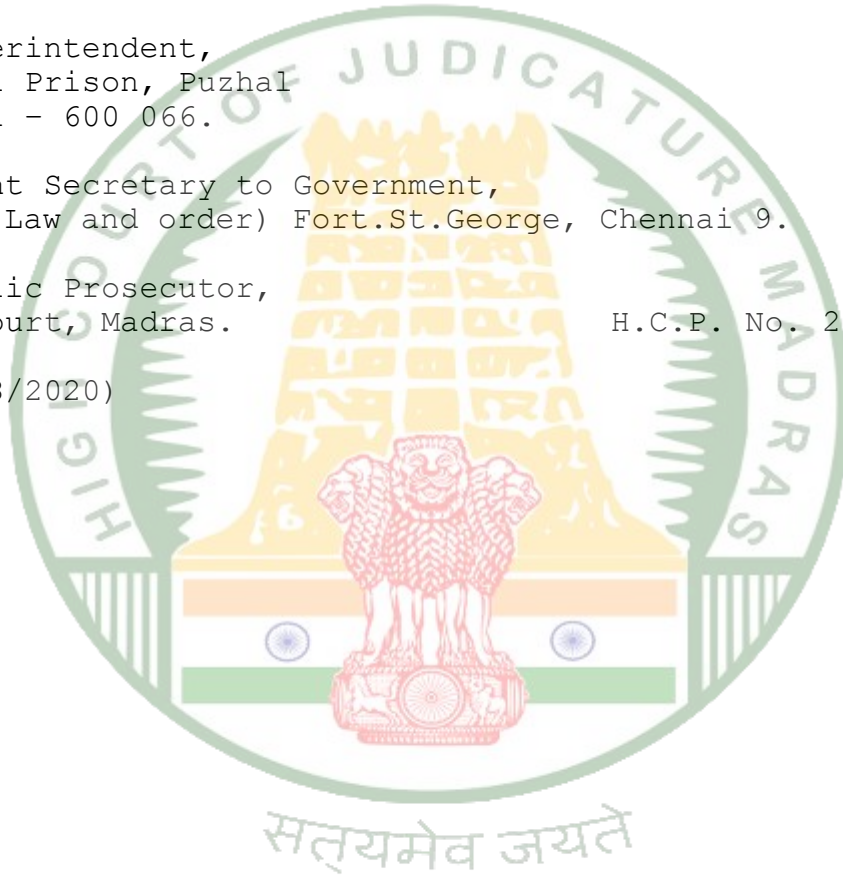
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Sub Assistant Registrar

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To

- 1.The Secretary of government
Home prohibition and excise department
Secretariat, Chennai - 600 009.
 - 2.The Commissioner of Police
Greater Chennai Police
Office of the Commissioner of Police (Goonda Section)
Vepery, Chennai - 600 007.
 - 3.The Superintendent,
Central Prison, Puzhal
Chennai - 600 066.
 - 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. 2823 of 2019
- A.SK(07/08/2020)



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