

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

Coram

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

H.C.P. No. 2840 of 2019

G.Shanthi

... Petitioner

-vs-

1.The State of TamilNadu
represented by Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai -9

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai -7.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records pertaining to the Memo No. 791/BCDFGISSSV/2019 dated 18.11.2019 on the file of the 2nd respondent herein and set aside the same and direct the respondents herein to produce the petitioner's son Dinesh Kumar @ Ottai Dinesh, S/o. Gnanasekar, aged 32 years, now confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

सत्यमेव जयते

For Petitioner : Mr.C.K.M. Appaji

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 Dinesh Kumar @ Ottai Dinesh, S/o. Gnanasekar, aged 32 years, who is the detenu. The detenu has been detained by the second respondent by his order Memo No. 791/BCDFGISSSV/2019 dated 18.11.2019, 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 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, 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 Memo No. 791/BCDFGISSSV/2019 dated 18.11.2019, passed by the second respondent is set aside. The detenu, namely, Dinesh Kumar @ Ottai Dinesh, S/o. Gnanasekar, aged 32 years, 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

raa/mmi/ssm

To

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai -9

2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai -7.

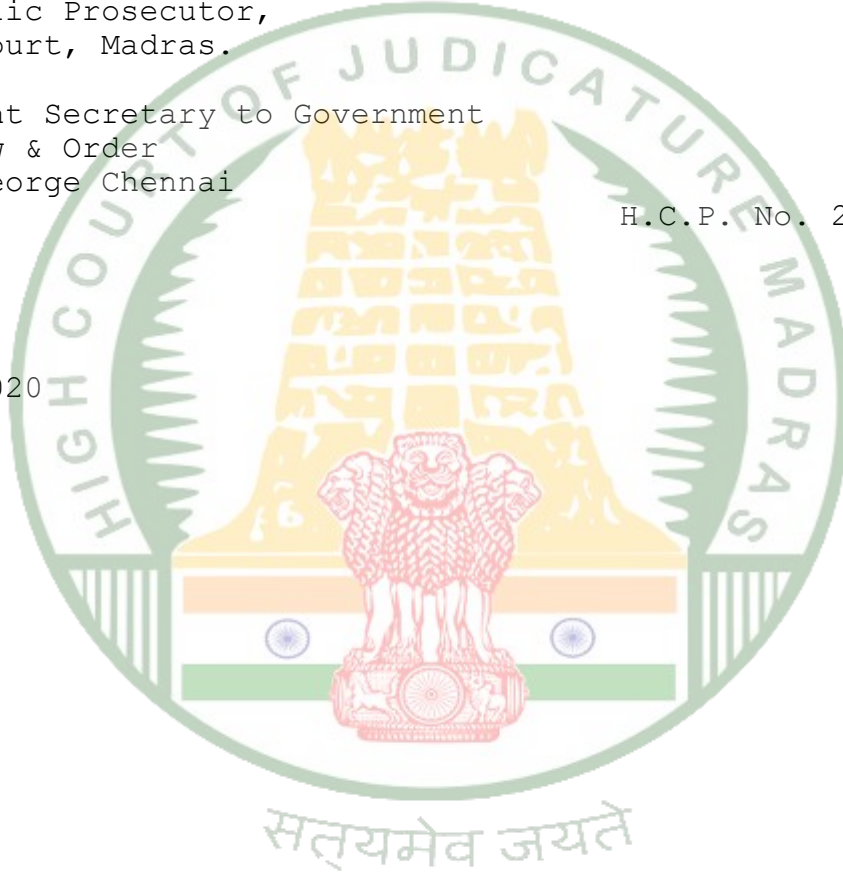
3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government
Public Law & Order
Fort St.George Chennai

H.C.P. No. 2840 of 2019

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