

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P. No. 2884 of 2019

Viknesh

...Petitioner

-vs-

State Rep by

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

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

...Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in S.C.No.25/2019 dated 29.10.2019 on the file of the District Collector and District Magistrate, Krishnagiri District, Krishnagiri, the second respondent herein and quash the same as illegal and direct the respondent to produce the detenu Eliyas @ Muthukumar, S/o.Shiek Khader, aged about 36 years, now confined at Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.S.Rajanikanth

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 brother of the detenu, Eliyas @ Muthukumar, S/o.Shiek Khader, aged about 36 years. The detenu has been detained by the second respondent by his order in

S.C.No.25/2019 dated 29.10.2019, holding 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 similar case bail 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 bail order in the similar 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 S.C.No.25/2019 dated 29.10.2019 passed by the second respondent is set aside. The detenu, namely, Eliyas @ Muthukumar, S/o. Shiek Khader, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(AD I)MDU

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

raa/mmi/ssm

To

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

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

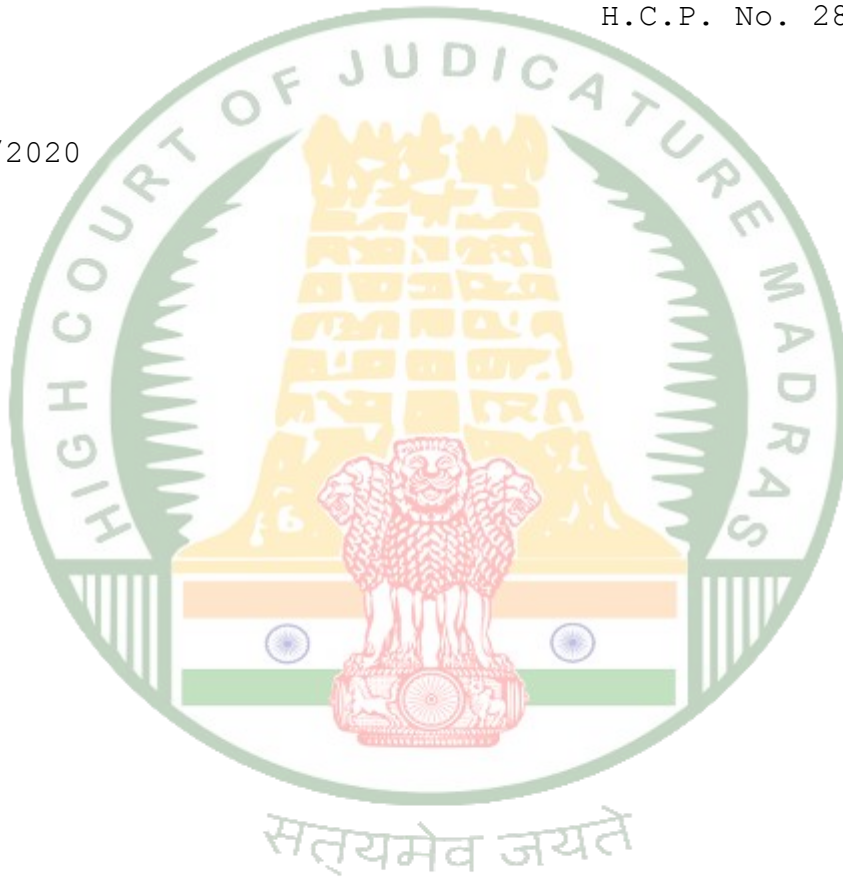
3.The Superintendent,
Central Prison,Salem.

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. 2884 of 2019

RLD(CO)
KKV/29/07/2020



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