

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

Coram

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

H.C.P. No. 2906 of 2019

Kalaiselvi 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 and
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.31/2019 dated 03.12.2019 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 Sabari @ Sabarinathan, S/o.Jayakumar, 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 wife of Sabari @ Sabarinathan, S/o.Jayakumar, aged about 36 years who is the detenu. The detenu has been detained by the second respondent by his order in S.C.No.31/2019 dated 03.12.2019, holding him to be a "Goondas", 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 arrest intimation 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 arrest intimation 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.31/2019 dated 03.12.2019 passed by the second respondent is set aside. The detenu, namely, Sabari @ Sabarinathan, S/o.Jayakumar, aged about 36 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 - 9.

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

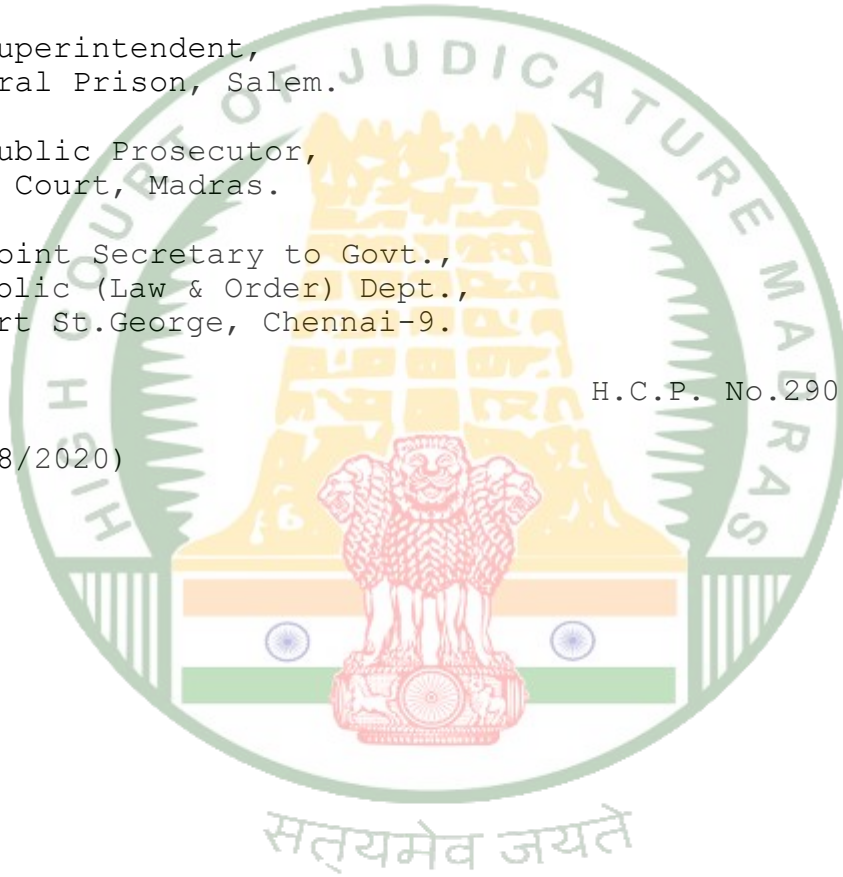
3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Govt.,
Public (Law & Order) Dept.,
Fort St.George, Chennai-9.

SS (CO)
CB (07/08/2020)

H.C.P. No.2906 of 2019



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