

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. 2911 of 2019

Manivannan

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St. George,
Chennai - 600009.

2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 600007.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records in No.453/BCDFGISSSV/2019 dated 30.07.2019 on the file of second respondent herein and set aside the same as illegal and Direct to the respondent to produce the detainee Madhan @ Manmadhan @ Gopi son of Manivannan, aged about 23 years, now confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : M/s.IlayarajaKandasamy

For Respondents : Mrs.Prabhavathi
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the father of Madhan @ Manmadhan @ Gopi son of Manivannan, aged about 23 years, who is the detenu. The detenu has been detained by the second respondent by his order No.453/BCDFGISSSV/2019, dated 30.07.2019, 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 No.453/BCDFGISSSV/2019, dated 30.07.2019, passed by the second respondent is set aside. The detenu, namely, Madhan @ Manmadhan @ Gopi, son of Manivannan, aged about 23 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

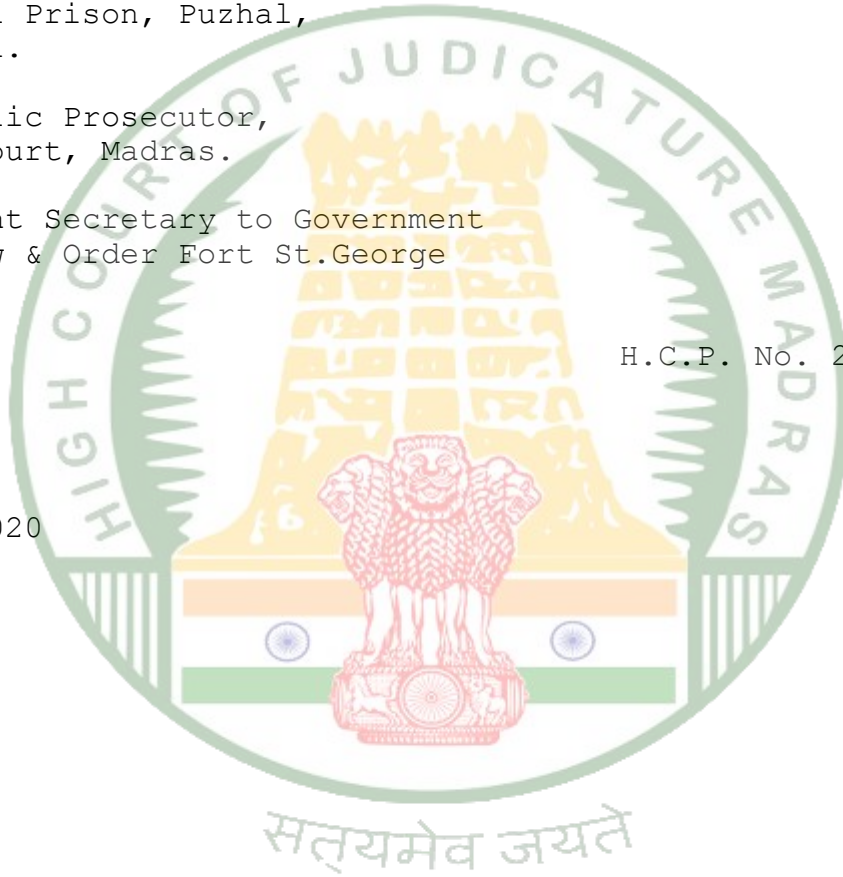
raa/mmi/ssm

To

- 1.The Secretary,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 600009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 600007.
- 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. 2911 of 2019

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