

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.2913 of 2019
and
Crl.M.P.No.4014 of 2020

K.Pavalakodi

... Petitioner

Vs

1. The State of Tamil Nadu,
rep by its Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Villupuram,
Villupuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records relating to the Impugned Order of Detention passed by the second respondent in R.C.No.C2/34328/2019 dated 14.12.2019 and set aside the same and consequently direct the respondents to produce the detenu Degree alias Krishnan, Son of Jagadeesan, aged about 55 years, Petitioner's husband now confined at Central Prison, Cuddalore before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.S.Saravanakumar.

For Respondents: Mrs.M.Prabhavathi,
Additional Public Prosecutor.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.Though the Criminal Miscellaneous Petition has been listed, the main Petition itself is taken up for disposal. The Petitioner's husband was arrested on 19.11.2019 and he has been

detained under GOONDAS Act, branding him as 'Bootlegger' by order dated 14.12.2019. There are two adverse cases pending against him under Tamil Nadu Prohibition Act. The said detention order is impugned before this Court.

3. Heard the learned Counsel appearing for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents.

4. Mr. S. Saravanakumar, learned Counsel for the Petitioner would submit that imminent possibility of the detenu coming out on bail is ruled out as bail petition is pending before the competent Court. Secondly, translation of remand order in the language known to the Petitioner's husband has not been served. Therefore, he would seek to set aside the impugned order.

5. However, the learned Additional Public Prosecutor would defend the detention Order contending that no prejudice is caused because of non translation and supply of the remand order.

6. Considering the facts that the bail petition is pending before the competent Court and the imminent possibility of the detenu coming out on bail is ruled out, it is seen that there is non application of mind on the part of the detaining authority while passing the detention order. That apart, translation of remand report has not been supplied to the detenu.

7. Accordingly, the detention order passed by the second respondent in R.C.No.C2/34328/2019 dated 14.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu is directed to be set at liberty forthwith unless his presence is required in connection with any other case. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

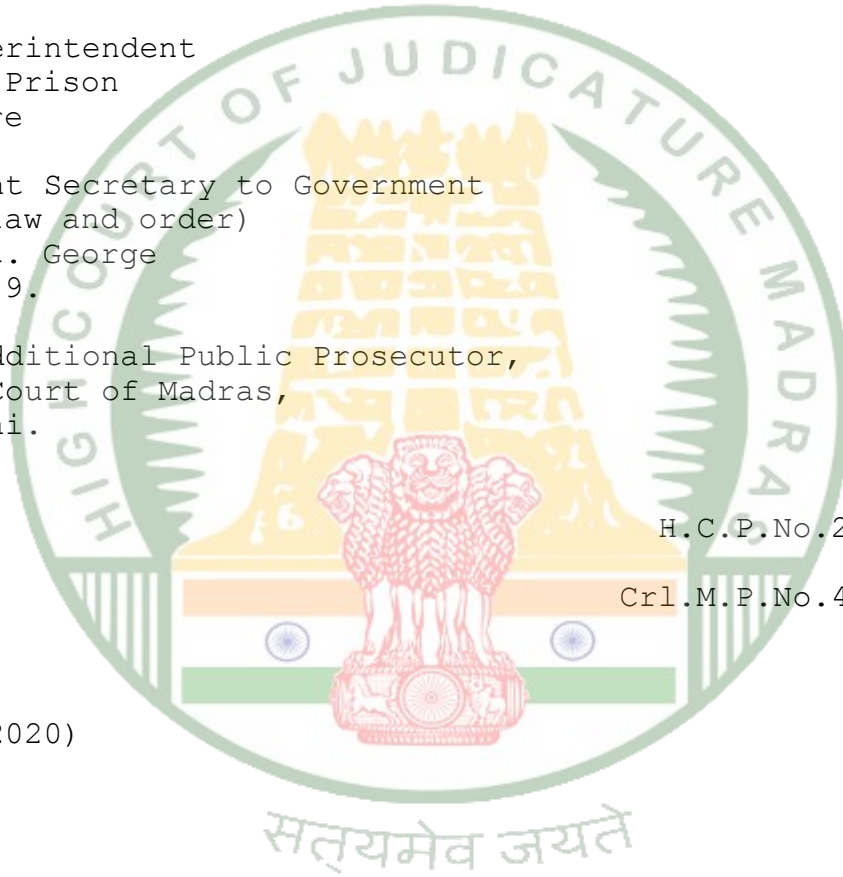
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To

- 1.The Secretary to Government (Home),
The State of Tamil Nadu
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Villupuram,
Villupuram District.
- 3.The Superintendent
Central Prison
Cuddalore
- 4.The Joint Secretary to Government
Public(law and order)
Fort. St. George
Chennai 9.
5. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.2913 of 2019
and
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SP(05/06/2020)



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