

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.NO.58 OF 2021

Prabu

.. Petitioner

Vs

State rep.by

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 9.
2. The Commissioner of Police,
Salem City.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Sooramangalam Police Station,
Salem.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to call for the records in C.M.P.No.37/Goonda/Salem City/2020 dated 15.06.2020 on the file of the second respondent and quash the detention as illegal and direct the respondents to produce the detenu Thiru.Manikandan, S/o.Mani, aged 32 years, now confined in Central Prison, Salem, before this Court and set him at liberty forthwith.

For Petitioner : Ms.S.Sengkodi

For Respondents: Mr.R.Prathap Kumar,
Addl.Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

The petitioner is the brother of the detenu, Manikandan, S/o.Mani, aged 32 years. The detenu has been detained by the second respondent by his order in C.M.P.No.37/Goonda/Salem City/2020 dated 15.06.2020 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 and we have also perused the records carefully.

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 translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, 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 especially Page No.113 of the booklet, it is clear that the arrest intimation has not been 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 C.M.P.No.37/Goonda/Salem City/2020 dated 15.06.2020, passed by the second respondent is set aside. The detenu, namely, S Manikandan, S/o.Mani, aged 32 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

mmi

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai - 9.
2. The Commissioner of Police,
Salem City.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Sooramangalam Police Station,
Salem.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary,
the Government Public (Law & Order),
Fort St.George, Chennai-9.

H.C.P.No.58 of 2021

NRL (CO)
CS/19/03/2021



WEB COPY