

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.235 of 2021

Manjula,
W/o.Govindan

... Petitioner /
Wife of the detenu

versus

- 1.The State rep. by its:
The State of Tamil Nadu,
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The District Collector
and District Magistrate,
Office of the District Collector
and District Magistrate,
Kallakurichi District, Kallakurichi.
- 3.The Superintendent,
Central Prison, Cuddalore District.
- 4.The Superintendent of Police,
Office of Superintendent of Police,
Kallakurichi District,
Kallakurichi.
- 5.The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the entire records relating to the impugned order of detention passed by the second respondent in D.O.No.C2/15/2020 dated 31.10.2020 and set aside the same and consequently direct the respondents to produce the detenu Govindan, son of Singaram, aged about 28 years, petitioner's husband, now confined at Central Prison, Cuddalore before this Court and set him at liberty.

For Petitioner : M/s.Krishnasamy Chinnasamy
For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the wife of Govindan, son of Singaram, aged about 28 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.C2/15/2020 dated 31.10.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 Government Advocate (Crl. Side) 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 bail order pertaining to the ground case has not been 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 especially Page No.87 of the booklet, it is clear that the bail order pertaining to the ground case 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 D.O.No.C2/15/2020 dated 31.10.2020, passed by the second respondent is set aside. The detenu, namely, Govindan, son of Singaram, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

To

1.The State rep. by its:
The State of Tamil Nadu,
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The District Collector
and District Magistrate,
Office of the District Collector
and District Magistrate,
Kallakurichi District, Kallakurichi.

3.The Superintendent,
Central Prison, Cuddalore District.

4.The Superintendent of Police,
Office of Superintendent of Police,
Kallakurichi District,
Kallakurichi.

5.The Inspector of Police,
Sankarapuram Police Station,
Kallakurichi District.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.235 of 2021

GSM(CO)
GMY (30/06/2021)

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