

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM

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

H.C.P.NO.276 OF 2021

Valli
W/o.Sugumar

.. Petitioner/
Mother of the Detenue

Vs.

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai - 600009.
2. The District Collector and
District Magistrate of Ranipet District,
Ranipet.
3. The Superintendent of Police,
Ranipet District,
Ranipet.
4. The Superintendent of Police,
Central Prison,
Vellore.
5. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the records in connection with the order of detention passed by the second respondent dated 21.10.2020 in B3/D.O.No.105/2020 against the petitioner son Sureshkumar @ Kuthirai Suresh S/o.Sugumar, aged 23 years, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

The petitioner is the mother of the detenu viz., Sureshkumar @ Kuthirai Suresh S/o.Sugumar, aged 23 years. The detenu has been detained by the second respondent by his order in B3/D.O.No.105/2020 dated 21.10.2020, 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 Government Advocate [Crl.side] 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. 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 Nos.94 and 95 of the booklet, it is clear that the arrest intimation has not been properly translated. Thus the impugned detention order is liable to be set aside on this ground.

In the result, the Habeas Corpus Petition is allowed and the order of detention in B3/D.O.No.105/2020 dated 21.10.2020, passed by the second respondent is set aside. The detenu, viz., Sureshkumar @ Kuthirai Suresh S/o.Sugumar, aged 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

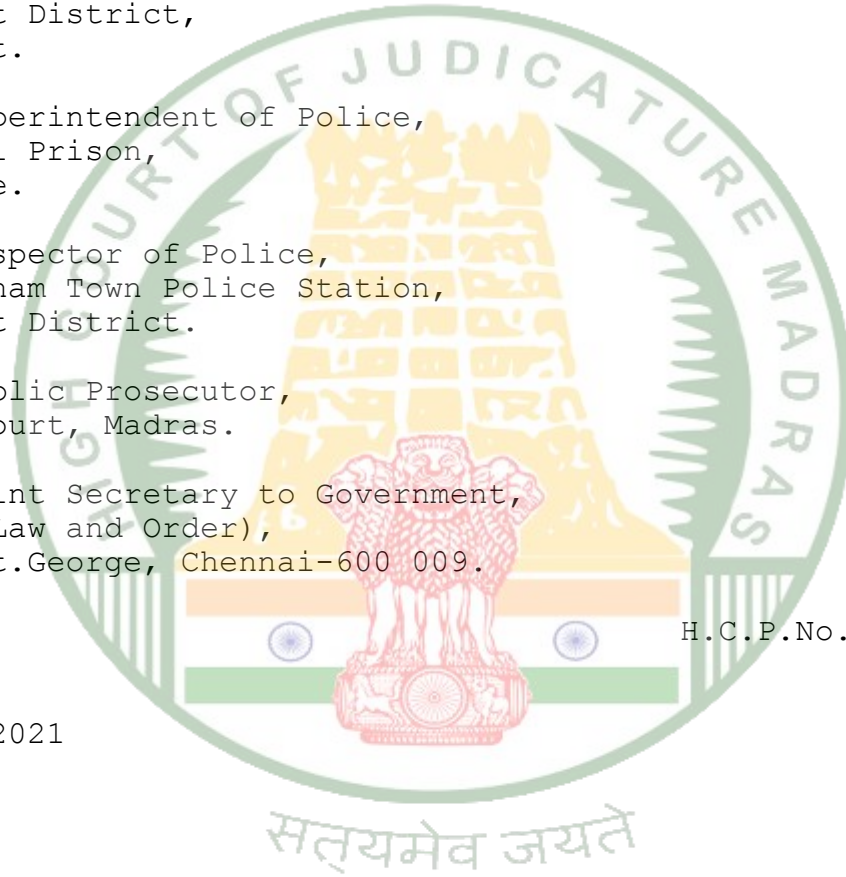
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To

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai - 600009.
2. The District Collector and District Magistrate
of Ranipet District,
Ranipet.
3. The Superintendent of Police,
Ranipet District,
Ranipet.
4. The Superintendent of Police,
Central Prison,
Vellore.
5. The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government,
Home (Law and Order),
Fort St.George, Chennai-600 009.

H.C.P.No.276 of 2021

JP(CO)
CS/13/07/2021



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