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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.460 of 2021

Valli,
W/o.Arumugam

...Petitioner /
Mother of the detenu

versus

1. The Union of India,
Represented by its Secretary to Government,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 100 001.
2. The Union Territory of Puducherry,
Represented by its
Secretary to Government,
Home Department,
Secretariat, Puducherry.
3. The District Magistrate cum Authorized Officer,
1st Floor, New Revenue Complex,
Vazhudavoor Road,
Pettaiyanchathiram,
Puducherry - 605 009.
4. The Superintendent of Police (West),
Puducherry.
5. The Inspector of Police,
Villianur Police Station,
Puducherry.
6. The Chief Superintendent of Jails,
Central Prison, Kalapet,
Puducherry.

...Respondents



Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records pertaining to the detention order dated 22.12.2020 in No.19/DM/RO/D2/PPASAA/2020 passed by the third respondent and issue direction to produce the body of the detenu, namely, Arun, aged 26 years, S/o.Arumugam, presently confined at Central Prison, Kalapet, Puducherry, before this Court and set him at liberty forthwith and quash the same.

For Petitioner : M/s.Swamisubramanian

For Respondents : Mr.V.Balamurugan
Additional Public Prosecutor(P)

O R D E R

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

The petitioner is the mother of Arun, son of Arumugam, aged about 26 years, who is the detenu. The detenu has been detained by the third respondent by his order in No.19/DM/RO/D2/PPASAA/2020 dated 22.12.2020, holding him to be a "Dangerous Person", as contemplated under sub section (2) of Section 3 of the Puducherry Prevention of Anti-Social Activities Act, 2008. 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 (Puducherry) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the remand report pertaining to the ground case has not been translated in vernacular language and the recommendation of the Senior Superintendent of Police, which is in English 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 would go to show that the ground case remand report and the recommendation of the Senior Superintendent of Police have 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 No.19/DM/RO/D2/PPASAA/2020 dated 22.12.2020, passed by the third respondent is set aside. The detainee, viz. Arun, son of Arumugam, aged about 26 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

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To

1. The Union of India,
Represented by its Secretary to Government,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi - 100 001.
2. The Union Territory of Puducherry,
Represented by its
Secretary to Government,
Home Department,
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4. The Superintendent of Police (West),
Puducherry.
5. The Inspector of Police,
Villianur Police Station,
Puducherry.
6. The Chief Superintendent of Jails,
Central Prison, Kalapet,
Puducherry.



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

8. The Public Prosecutor,
High Court, Madras.

H.C.P.No.460 of 2021

JPL (CO)
BE (29/07/2021)