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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.NO.511 OF 2021

Jayakumar Anthony

...Petitioner

Vs.

1.Government of Tamil Nadu represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Chepauk, Chennai-9.

2.The District Collector and District Magistrate,
District Collector Office, Erode.

3.The Superintendent of Police,
Erode District, Erode.

4.The Superintendent of Police,
Central Prison,
Coimbatore - 18.

5.The Inspector of Police,
Perundurai Circle,
Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order made in Cr.M.P.No.02/Goonda/2021C1 dated 20.01.2021 served with detenu on 24.01.2021 and set aside the same and direct the respondents to produce the body of the detenu Jeyakumar Anthony, son of Arulmani, aged about 43 years, residing at Mulliynenthal village, Elayankudi Taluk, Sivagangai District, before this Court and set him at liberty forthwith.

For Petitioner : Ms.G.Helina Prathiba

For Respondents : Mr.R.Muniyapparaj,
Govt.Advocate (Cr1.Side)



ORDER

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

The petitioner is the detenu Jeyakumar Anthony, son of Arulmani, aged about 43 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.02/Goonda/2021C1 dated 20.01.2021, 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 remand extension order has not been properly 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. The learned Government Advocate (Crl.Side) strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.250 and 252 of the booklet, it is clear that the remand extension order has not been properly translated in vernacular language. 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 Cr.M.P.No.02/Goonda/2021C1 dated 20.01.2021, passed by the second respondent is set aside. The detenu, viz., Jeyakumar Anthony, son of Arulmani, aged about 43 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

nsd



To

- 1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Chepauk, Chennai-9.
- 2.The District Collector and District Magistrate,
District Collector Office, Erode.
- 3.The Superintendent of Police,
Erode District, Erode.
- 4.The Superintendent of Police,
Central Prison,
Coimbatore - 18.
- 5.The Inspector of Police,
Perundurai Circle,
Erode District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.

+2cc to Ms.G.Helina Prathiba, Advocate SR.No.45056

H.C.P.No.511 of 2021

PVS(CO)
RVM(17/09/2021)