



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM

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

H.C.P.NO.524 OF 2021

Selvi ...Petitioner / Mother of the Detenue
Vs.

1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

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

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

4.The Superintendent of Prison,
Central Prison,
Coimbatore.

5.The Inspector of Police,
Perunthurai Police Station,
Erode District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the records pertaining to the order of detention passed by the 2nd respondent in Cr.M.P.No.09/Goonda/2021 C1 dated 04.03.2021 against the petitioner's son, the detenu by name Prabhu, aged 29 years, son of Sundaram, now confined in the Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor



ORDER

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

The petitioner is the mother of the detenu Prabhu, aged about 29 years, son of Sundaram. The detenu has been detained by the second respondent by his order in Cr.M.P.No.09/Goonda/2021 C1 dated 04.03.2021, 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 Additional Public Prosecutor 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 Additional Public Prosecutor 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.121 and 122 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.09/Goonda/2021 C1 dated 04.03.2021, passed by the second respondent is set aside. The detenu, viz., Prabhu, aged 29 years, son of Sundaram, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

nsd



To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Erode District, Erode.
- 3.The District Superintendent of Police,
Erode District, Erode.
- 4.The Superintendent of Prison,
Central Prison,
Coimbatore.
- 5.The Inspector of Police,
Perunthurai Police Station,
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.

H.C.P.No.524 of 2021

SJ(CO)
RVM(07/10/2021)