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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

Coram

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

H.C.P.No.544 of 2021

Saroja
W/o.Seerangan

.. Petitioner

Vs.

- 1.The State represented by
The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 2.The District Collector cum District Magistrate,
Perambalur District,
Perambalur.
- 3.The Superintendent of Police,
Perambalur District,
Perambalur.
- 4.The Superintendent of Prison,
Central Prison,
Trichirapalli.
- 5.The Inspector of Police,
Perambalur Police Station,
Perambalur 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 entire records relating to the detention order passed by the second respondent in Cr.M.P.No.26/2020 dated 30.12.2020 and quash the same and produce the detenu Raja S/o.Seerangan, aged about 19 years, who is now confined at Central Prison, Tiruchirappalli, before this Court and set him at liberty.



For Petitioner : Mr.D.Ashokkumar
For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]

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ORDER

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

The petitioner is the mother of the detenu viz., Raja S/o.Seerangan, aged about 19 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.26/2020 dated 30.12.2020, 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 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 in the similar case has not been translated in vernacular language. 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.64 and 65 of the booklet, it is clear that the bail order in the similar case has not been 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.26/2020 dated 30.12.2020 passed by the second respondent is set aside. The detenu, viz., Raja S/o.Seerangan, aged about 19 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VII)

dt. 12/08/2021

//True Copy//

Sub Assistant Registrar

gm



To

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- 1.The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 2.The District Collector cum District Magistrate,
Perambalur District,
Perambalur.
- 3.The Superintendent of Police,
Perambalur District,
Perambalur.
- 4.The Superintendent of Prison,
Central Prison,
Trichirapalli.
- 5.The Inspector of Police,
Perambalur Police Station,
Perambalur 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.544 of 2021

GSM(CO)
EU 12.08.2021