



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice S.SRIMATHY

H.C.P.No.582 of 2021

Sridhar

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.

4.State represented by
The Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to calling for the entire records relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 13.03.2021 on the file of the second respondent herein made in proceedings Memo BCDFGISSSV.No.73/2021, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother viz., Anbazhagan @ Mainakutty, S/o.Kathirvel, aged 43 years, before this Court and set the petitioner's brother at liberty from detention, now the petitioner's son detained at the Central Prison, Puzhal, Chennai.



WEB COPY

For Petitioner : Mr.R.Sasikumar

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

ORDER

[Order of the Court was made by S.SRIMATHY, J.]

The petitioner is the brother of the detenu Anbazhagan @ Mainakutty, S/o.Kathirvel, aged about 43 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.73/2021 dated 13.03.2021, 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 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.105 and 106 of the booklet, it is clear that the remand 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 BCDFGISSSV.No.73/2021 dated 13.03.2021, passed by the second respondent is set aside. The detenu, viz., Anbazhagan @ Mainakutty, S/o.Kathirvel, aged about 43 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nsd
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.
- 4.The Inspector of Police,
S-6, Sankar Nagar Police Station,
Chennai District.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.582 of 2021

rld[col]
srg 02/11/2021