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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

Coram

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

H.C.P.No.634 of 2021

Lavanya
W/o.Karthick

...Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai
4. The Superintendent of Prison,
Central Prison,
Vellore.
5. The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai,
Tiruvannamalai 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 impugned order of detention passed by the second respondent in D.O.No.06/2021-C2 dated 27.01.2021 and set aside the same, consequently, direct the respondents to produce the detenu Karthik s/o.Kannan, aged 25 years, before this Court, who is now confined at Central Prison, Vellore and set him at liberty forthwith.



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For Petitioner : Mr.B.Jawahar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Karthik s/o.Kannan, aged 25 years. The detenu has been detained by the second respondent by his order in D.O.No.06/2021-C2 dated 27.01.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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 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 pertaining to the ground case has not been properly 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.251 and 252 of the booklet, it is clear that the remand order pertaining to the ground case 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 D.O.No.06/2021-C2 dated 27.01.2021 passed by the second respondent is set aside. The detenu, viz., Karthik s/o.Kannan, aged 25 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



gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai
4. The Superintendent of Prison,
Central Prison,
Vellore.
5. The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai,
Tiruvannamalai 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.634 of 2021

KSM(CO)
LS(27/09/2021)