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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.NO.671 OF 2021

Selvi Denifa
W/o.Denifa

.. Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Salem City,
Salem District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing to produce the body of the detenu Silambarasan s/o.Soori @ Sooriyamoorthi, aged about 36 years, presently confined at Central Prison, Coimbatore, before this Court and set him at liberty forthwith, after calling for the records



pertaining to the detention order dated 26.03.2021 made in C.M.P.No.23/Goonda/Salem City/2021 passed by the second respondent and quash the same.

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For Petitioner : Mr.B.M.Subash

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the sister of the detenu viz., Silambarasan s/o.Soori @ Sooriyamoorthi, aged about 36 years. The detenu has been detained by the second respondent by his order in C.M.P.No.23/Goonda/Salem City/2021 dated 26.03.2021, 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 extension 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.322 and 323 of the booklet, it is clear that the remand extension 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 C.M.P.No.23/Goonda/Salem City/2021 dated 26.03.2021 passed by the second respondent is set aside. The detenu, viz., Silambarasan s/o.Soori @ Sooriyamoorthi, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-VII)

// 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 Commissioner of Police,
Salem City,
Salem District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Inspector of Police,
Kitchipalayam Police Station,
Salem 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.

+1cc to Mr.B.Mohan, Advocate, S.R.No.51451

H.C.P.No.671 of 2021

AK-II(CO)
RLP(07/10/2021)