

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 994 of 2020

P.Vasanthi ... Petitioner /Mother of the detenu

Vs

1.The State Rep. by its
Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

2.The Commissioner of Police,
Salem City, Salem District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the records leading to the detention of Ajith @ Ajith Kumar, aged about 28 years, son of Palanivel, under Act 14/1982 vide detention order 30.05.2020 on the file of the second respondent made in proceedings in C.M.P.No.30/Goonda/Salem City/2020, quash the same, consequently direct the respondents herein to produce the body and person of Ajith @ Ajith Kumar, son of Palanivel, aged about 28 years, who is lodged at Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Mr.C.D.Sugumar

For Respondents: Mr.R.Prathap Kumar,
Addl.Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

The petitioner is the mother of the detenu, Ajith @ Ajith Kumar, S/o. Palanivel, aged 28 years. The detenu has been detained by the second respondent by his order in C.M.P.No.30/Goonda/Salem City/2020 dated 30.05.2020 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 Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

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 arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, 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.131 & 132 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.30/Goonda/Salem City/2020 dated 30.05.2020, passed by the second respondent is set aside. The detenu, namely, Ajith @ Ajith Kumar, S/o. Palanivel, aged 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mmi
To

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

2.The Commissioner of Police,
Salem City, Salem District.

3.The Superintendent,
Central Prison, Salem.

4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 994 of 2020

rsi[co]
srg 03/03/2021



WEB COPY