

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2021

CORAM

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

H.C.P.No.676 of 2021

Selvaraj

.. Petitioner

Vs.

- 1.State of Tamil Nadu
The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George, Chennai-9
- 2.The Commissioner of Police
Greater Chennai
- 3.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai
- 4.The Inspector of Police
J-8 Neelankarai Police Station
Chennai

..Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in BCDFGISSSV No.85/2021 dated 19.03.2021 on the file of the 2nd respondent and quash the same as illegal and direct the respondent to produce the detenu viz., Vimalraj @ Jana, aged about 24 years, S/o.Selvaraj, now confined at Central Prison-II, Puzhal, Chennai and set him at liberty.

For Petitioner : Ms.T.Gnana Banu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

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

The petitioner is the father of the detenu viz., Vimalraj @ Jana, aged about 24 years, S/o.Selvaraj. The detenu has been detained by the 2nd respondent by his order dated 19.03.2021 in BCDFGISSSV No.85/2021, 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, she has mainly focused his argument on the ground that the remand order 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.119 and 120 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.85/2021, dated 19.03.2021, passed by the 2nd respondent is set aside. The detenu viz., Vimalraj @ Jana, aged about 24 years, S/o.Selvaraj, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George, Chennai-9
- 2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3.The Commissioner of Police
Greater Chennai
- 4.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai
- 5.The Inspector of Police
J-8 Neelankarai Police Station
Chennai
- 6.The Public Prosecutor
High Court, Madras

H.C.P.No.676 of 2021

EU (CO)
K.RK. (10.11.2021)