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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

Coram

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

H.C.P.No.817 of 2021
and
Crl.M.P.No.10260 of 2021

B.Kavitha
W/o.Balachandar

Vs.

...Petitioner

1. The Commissioner of Police,
Greater Chennai,
Chennai District.
2. The Jail Superintendent,
Central Prison,
Puzhal.
3. The State of Tamil Nadu
represented by
Additional Chief Secretary,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai - 600 009.
4. State by:
Inspector of Police,
S-6 Sankar Nagar Police Station,
Chennai - 600 075.

...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 leading to the detention of petitioner's husband, the detenu Balachandran @ Venus s/o.Rajendran, aged about 43 years, who is presently detained at Central Prison, Puzhal, Chennai, under Act 14/1982 vide detention order dated 19.03.2021 in BCDFGISSSV No.81/2021 on the file of first respondent herein, directing to produce the detenu before this Court and set him at liberty.



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For Petitioner : Mr.A.Navaneethakrishnan,
Senior Counsel
for Mr.R.Naveen

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., Balachandran @ Venus s/o.Rajendran, aged about 43 years. The detenu has been detained by the first respondent by his order in BCDFGISSSV No.81/2021 dated 19.03.2021, 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 senior 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 senior 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 bail order in the similar 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.253 and 255 of the booklet, it is clear that the bail order in the similar 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 BCDFGISSSV No.81/2021 dated 19.03.2021 passed by the first respondent is set aside. The detenu, viz., Balachandar @ Venus s/o.Rajendran, aged about 43 years, is



directed to be released forthwith unless his detention is required in connection with any other case. Connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Commissioner of Police,
Greater Chennai,
Chennai District.
2. The Jail Superintendent,
Central Prison,
Puzhal.
3. The Additional Chief Secretary,
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
4. The Inspector of Police,
S-6 Sankar Nagar Police Station,
Chennai - 600 075.
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.R.Naveen, Advocate, S.R.No.52977

H.C.P.No.817 of 2021

NRL[co]
NSK 10/11/2021