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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.810 of 2021

M.Latha

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 003.

3.The Superintendent of Prison,
Puzhal Jail,
Chennai - 600 066.

4.The Inspector of Police,
CCB-EDF-II, Team IV,
Egmore,
Chennai. - 600 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the entire records from the 2nd respondent in connection with order in No.28/BCDFGISSSV/2021 dated 08.02.2021 and quash the same and produce the petitioner's husband viz., R.Mahendran, son of Renu, aged about 57 years, now confined in the Central Prison, Puzhal, Chennai, under the Tamil Nadu Act 14 of 1982, before this Court and set him at liberty.



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For Petitioner : Mr.P.K.Murali

For Respondents : Mr.R.Muniyapparaj,
Additional Public
Prosecutor

ORDER

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

The petitioner is the wife of the detenu Mahendran, son of Renu, aged about 57 years. The detenu has been detained by the second respondent by his order in No.28/BCDFGISSSV/2021 dated 08.02.2021, 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, he has mainly focused his argument on the ground that the remand order has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.177 and 179 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 No.28/BCDFGISSSV/2021 dated 08.02.2021, passed by the second respondent is set aside. The detenu, viz.,



Mahendran, son of Renu, aged about 57 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(co)

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Sub Assistant Registrar

nsd
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 003.
- 3.The Superintendent of Prison,
Puzhal Jail,
Chennai - 600 066.
- 4.The Inspector of Police,
CCB-EDF-II, Team IV,
Egmore,
Chennai. - 600 003.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.810 of 2021

SRA co
A.SK(11.10.2021)