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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.843 OF 2021

Haseena
W/o.Mohammed Sharfudeen

.. Petitioner

Vs.

1. Government of Tamil Nadu
represented by its
Principal Secretary, Home,
Prohibition and Excise (XVI) Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.
4. The Superintendent,
Central Prison,
Puzhal, Chennai - 66.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in Memo No.86/BCDFGISSSV/2021 dated 24.03.2021 on the file of the second respondent herein and quash the same and direct the respondents herein to produce the body of the petitioner's son Mohammed Hussain @ Imran s/o.Sarbudeen, aged about 33 years, who is now confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.



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For Petitioner : Mr.A.Vijaya Sankar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

The petitioner is the mother of the detenu viz., Mohammed Hussain @ Imran s/o.Sarbudeen, aged about 33 years. The detenu has been detained by the second respondent by his order in No.86/BCDFGISSSV/2021 dated 24.03.2021, 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.66 and 67 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 No.86/BCDFGISSSV/2021 dated 24.03.2021 passed by the second respondent is set aside. The detenu, viz., Mohammed Hussain @ Imran s/o.Sarbudeen, aged about 33 years, is



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

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Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

gm

To

1. The Principal Secretary, Home,
Prohibition and Excise (XVI) Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.
4. The Superintendent,
Central Prison,
Puzhal, Chennai - 66.
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.843 of 2021

RSI(CO)
RLP(22/10/2021)