

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

Coram

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

H.C.P. No.1425 of 2020

P.Neelavathi ... Petitioner/Mother of the
detenue

-vs-

- 1.State represented by
The Secretary to Government
Home Prohibition and Excise Department
Chennai 600 009
 2. The District Collector and District Magistrate
Chengalpattu District, Chengalpattu
 3. The Superintendent of Police
Chengalpattu District
 4. The Inspector of Police
Guduvancherry Police Station
Kancheepuram District
 5. The Superintendent of Prison
Central Prison, Puzhal
Chennai
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus or any other Writ or Order in the nature of Writ call for the records leading to the detention of Gokul @ Gokulakrishnan, aged about 23 years, S/o.Palani, under Act 14, 1982, vide detention order 22.07.2020 on the file of the second respondent made in proceedings in BCDFGISSSV.No.20/2020, quash the same, consequently direct the respondents herein to produce the body and person of Gokul @ Gokulakrishnan, aged about 23 years, S/o.Palani, who is lodged at Central Prison, Puzhal, Chennai - 600 066, before this Court, 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 Gokul @ Gokulakrishnan, aged about 23 years, S/o.Palani, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.20/2020 dated 22.07.2020, 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 remand order has not been 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 No.155 of the booklet, it is clear that the remand order has not been 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 BCDFGISSSV.No.20/2020 dated 22.07.2020, passed by the second respondent is set aside. The detenu, namely, Gokul @ Gokulakrishnan, aged about 23 years, S/o.Palani, 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

nsd

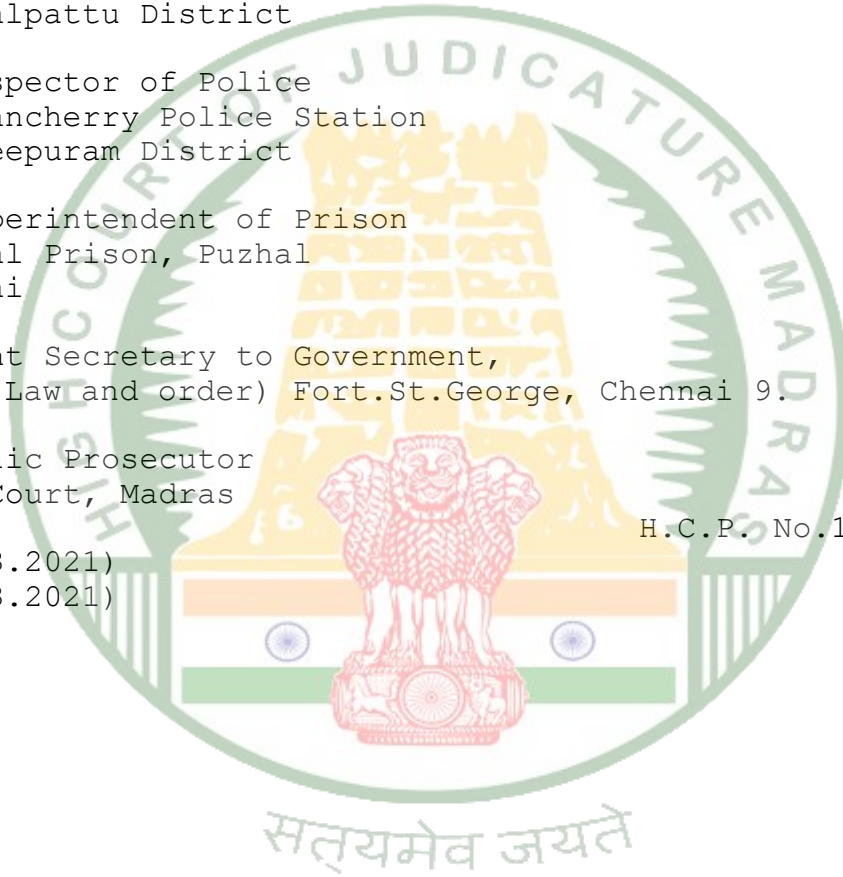
To

- 1.The Secretary to Government
Home Prohibition and Excise Department
Chennai 600 009
2. The District Collector and District Magistrate
Chengalpattu District, Chengalpattu
3. The Superintendent of Police
Chengalpattu District
4. The Inspector of Police
Guduvancherry Police Station
Kancheepuram District
5. The Superintendent of Prison
Central Prison, Puzhal
Chennai
- 6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai
- 7.The Public Prosecutor
High Court, Madras

H.C.P. No.1425 of 2020

A.SK(19.03.2021)

A.SK(29.03.2021)



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