

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

Coram

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

H.C.P. No. 1435 of 2020

R.Saraswathi

..Petitioner/Mother of Detenue

Vs.

- 1.The Additional Chief Secretary to Government,
Home,Prohibition and Excise Department,
Secretariat, Chennai - 09.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Perambalur District.
- 3.The Superintendent of Police,
O/o.Superintendent of Police,
Perambalur District.
- 4.The Superintendent of Prison,
Central Prison,Tiruchirapalli.
- 5.The Inspector of Police,
Perambalur Police Station,
Perambalur.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records connected with the detention order in Cr.M.P.No.17/2020 dated 21.07.2020 on the file of the second respondent and quash the same and direct the respondents to produce the body and person of the petitioner's son D.R.Vinoth @ Vinoth, S/o.Ramalingam, aged about 36 years, now confined at Central Prison, Thiruchirappalli, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents: Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu, D.R.Vinoth @ Vinoth, S/o.Ramalingam, aged about 36 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.17/2020 dated 21.07.2020 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. We have also perused the records produced by the Detaining Authority.

3.Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the remand order of the petitioner was extended from time to time pursuant to the directions of this Court in Suo Motu W.P.(MD)No.6126 of 2020 dated 30.06.2020. However, the translated copy of the said order was not furnished to the detenu on account of which he was seriously prejudiced inasmuch as he was not able to give effective representation to the authorities. Therefore, the impugned order of detention is vitiated in law.

4.A perusal of the booklet would go to show that the remand order was extended from time to time, pursuant to the directions of this Court in Suo Motu W.P.(MD)No.6126 of 2020 dated 30.06.2020. However, the translated copy of the said order was not furnished to the detenu. Therefore, non-furnishing of the above materials would obviously deprive of his opportunity to make effective representation and hence, we are of the opinion that the detention order is liable to be quashed on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.17/2020 dated 21.07.2020 passed by the second respondent is set aside. The detenu, namely, D.R.Vinoth @ Vinoth, S/o.Ramalingam, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssm

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 09.
- 2.The Joint Secretary to Government
Public(law and order)
Fort. St. George
Chennai 9.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Perambalur District.
- 3.The Superintendent of Police,
O/o.Superintendent of Police, Perambalur District.
- 4.The Superintendent of Prison,
Central Prison,Tiruchirapalli.
- 5.The Inspector of Police,
Perambalur Police Station,
Perambalur.
- 6.The Public Prosecutor, High Court, Madras.

H.C.P. No. 1435 of 2020

BS (CO)
SP(12/02/2021)



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