

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

Coram

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

H.C.P. No. 1413 of 2020

M.Kanchana

.. Petitioner

Vs

1. Government of Tamil Nadu
rep. By its Addl. Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.
3. The Superintendent,
Central Prison, Vellore.
4. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
5. Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to call for the records in Detention Order D.No.58/2020-C2 dated 30.06.2020 on the file for the second respondent and quash the same and direct the respondents herein to produce the body of the detenu Magesh, M/A 23 years, son of Murugan, now confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.M.Sathish Kumar

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

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ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

The petitioner is the mother of the detenu, Magesh, aged about 23 years, son of Murugan. The detenu has been detained by the second respondent by his order in D.No.58/2020-C2 dated 30.06.2020 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 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 accident register copy has not been properly 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.4 of the booklet, it is clear that the accident register copy has not been properly 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 D.No.58/2020-C2 dated 30.06.2020, passed by the second respondent is set aside. The detenu, namely, Magesh, aged about 23 years, son of Murugan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Addl. Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The Joint Secretary to Government,
Public(Law & Order)
Secretariat, Chennai-9.

3.The District Collector and District Magistrate,
Thiruvannamalai District,
Thiruvannamalai.

4.The Superintendent,
Central Prison, Vellore.

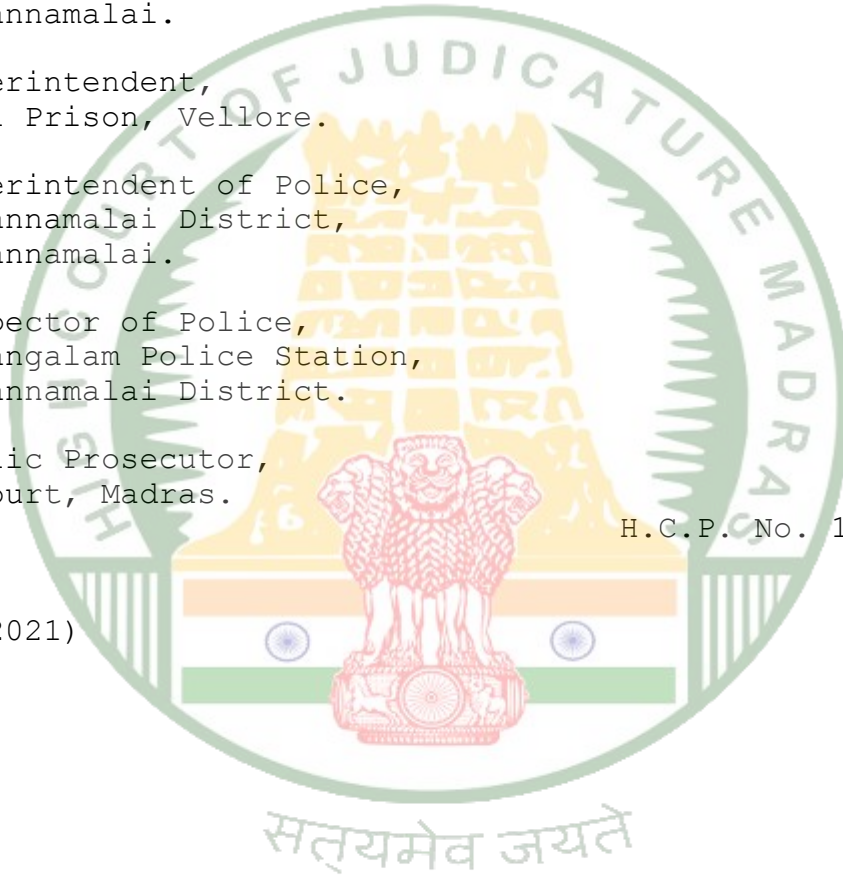
5.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

6.The Inspector of Police,
Kannamangalam Police Station,
Thiruvannamalai District.

7.The Public Prosecutor,
High Court, Madras.

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