

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.NO.1454 OF 2020

S.Munusamy

.. Petitioner

Vs

1. The State of Tamil Nadu rep. by
the Secretary to the Government,
Prohibition and Excise Department,
Fort St. George Chennai - 9.
2. The District Collector & District Magistrate,
Chengalpattu District, Chengalpattu.
3. The Superintendent of Police,
Chengalpattu District, Chengalpattu.
4. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
5. The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai - 66.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to call for the records pertaining to the detention order in Memo No.14/BCDFGISSV/2020 dated 20.06.2020 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the petitioner's son Vijayakumar, son of Munusamy, aged 27 years, now confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.K.M.Appaji

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

ORDER

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

The petitioner is the father of the detenu, Vijayakumar, son of Munusamy, aged 27 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.14/2020 dated 20.06.2020 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 bail application and bail order pertaining to the similar case have 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 Nos.191 to 197 of the booklet, it is clear that the bail application and bail order pertaining to the similar case have 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 BCDFGISSSV No.14/2020 dated 20.06.2020, passed by the second respondent is set aside. The detenu, namely, Vijayakumar, son of Munusamy, aged 27 years, 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

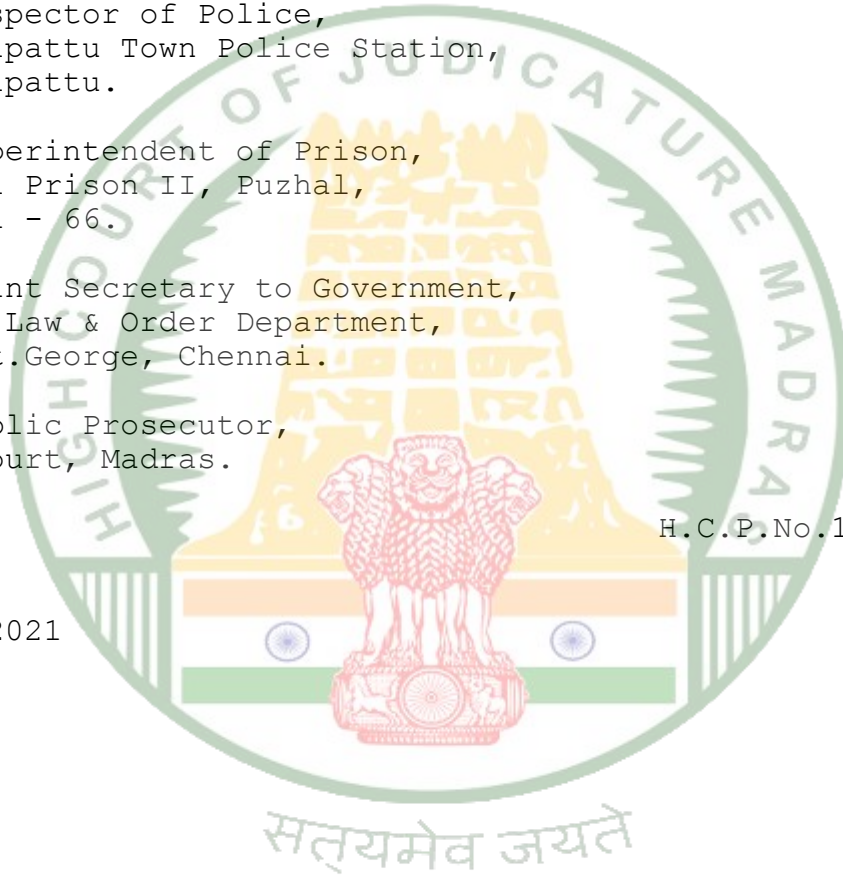
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To

1. The Secretary to the Government,
Prohibition and Excise Department,
Fort St. George Chennai - 9.
2. The District Collector & District Magistrate,
Chengalpattu District, Chengalpattu.
3. The Superintendent of Police,
Chengalpattu District, Chengalpattu.
4. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
5. The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai - 66.
6. The Joint Secretary to Government,
Public Law & Order Department,
Fort St. George, Chennai.
7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1454 of 2020

MGR (CO)
CS/18/02/2021



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