

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.1538 of 2020

Lakshmi Devi

.. Petitioner

Vs.

- 1.State of Tamil Nadu represented
by the Secretary of State,
Prohibition and Excise Department,
St.George Fort,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruppur District.
- 3.The Superintendent of Police,
Tiruppur District.
Tamil Nadu - 641 604.
- 4.The Superintendent of Prison,
Central Prison,
Coimbatore District.
- 5.The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order dated 16.06.2020 made in detention order Cr.M.P.No.11/Goonda/2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's husband Ramanjanappa, son of Bagavanthappa, aged about 44 years, branded as Goonda and now confined in Central Prison, Coimbatore District, before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Mohanraj
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 wife of Ramanjanappa, son of Bagavanthappa, aged about 44 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.11/Goonda/2020 dated 16.06.2020, 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 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 except the detention order all other relied upon documents have not been translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, he has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the respondents strongly opposed for the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record it is seen that the detenu hales from Karnataka and does not know Tamil. However, he has been served with the translated version of the detention order in Hindi. Apart from the detention order, other documents relied on by the detaining authority have not been translated either in Hindi or in Kannada, the language known to the detenu. 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 Cr.M.P.No.11/Goonda/2020 dated 16.06.2020,

passed by the second respondent is set aside. The detenu, viz., Ramanjanappa, son of Bagavanthappa, aged about 44 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary of State,
Prohibition and Excise Department,
St.George Fort,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruppur District.
- 3.The Superintendent of Police,
Tiruppur District.
Tamil Nadu - 641 604.
- 4.The Superintendent of Prison,
Central Prison,
Coimbatore District.
- 5.The Inspector of Police,
Kamanaickenpalayam Police Station,
Tiruppur District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1538 of 2020

LN(CO)
RMP(04/05/2021)