

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

Coram

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

H.C.P.No.1578 of 2020

Selvi

.. Petitioner/
Wife of the Detenue

Vs.

1. State of Tamil Nadu represented by
The Secretary, Home,
Prohibition and Excise Department,
Fort St.Geroge,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
3. The Inspector of Police,
D-4, Jam Bazaar Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison-II, Puzhal,
Chennai - 600 066.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the detention order in Memo No.295/BCDFGISSSV/2020 dated 15.08.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Veerpathiran @ Mani, son of Petchimuthu, aged about 40 years, detenu, now confined in Central Prison, Puzhal Chennai, before this Court and set the petitioner's husband at liberty.

For Petitioner : Mr.Chakkravarthy
for Mr.R.Muthukumar
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 Veerpathiran @ Mani, son of Petchimuthu, aged about 40 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.295/BCDFGISSSV/2020 dated 15.08.2020, 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 pertaining to the ground case 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 Nos.164 and 165 of the booklet, it is clear that the remand order pertaining to the ground case 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 Memo No.295/BCDFGISSSV/2020 dated 15.08.2020, passed by the second respondent is set aside. The detenu, namely, Veerpathiran @ Mani, son of Petchimuthu, aged about 40 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, Home,
Prohibition and Excise Department,
Fort St.Geroge,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
3. The Inspector of Police,
D-4, Jam Bazaar Police Station,
Chennai.
4. The Superintendent of Prison,
Central Prison-II, Puzhal,
Chennai - 600 066.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1578 of 2020

RLD(CO)
TE (27/04/2021)

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