

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.1721 of 2020

Murugan,
S/o.Sekar

... Petitioner /
Father of the detenu

versus

1. The Commissioner of Police,
The Office of the Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
2. The Government of Tamilnadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
3. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police (Crime),
K-3, Aminjikarai Police Station,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records of the first respondent culminating with the order of detention No.269/BCDFGISSSV/2020 dated 31.07.2020 passed by the first respondent herein detaining petitioner's son Sathishkumar @ Sathish @ Theenja Sathish under Section Act XIV of 1982 and quash the same and direct the respondents to produce the body of the person of the detenu, Sathishkumar @ Sathish @ Theenja Sathish, son of Murugan, male, aged about 26 years before this Court, now detained in the Central Prison, Puzhal, Chennai.

For Petitioner	: Mr.M.Jaikumar
For Respondents	: Mr.R.Prathap Kumar
	Additional Public Prosecutor

O R D E R

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the father of Sathishkumar @ Sathish @ Theenja Sathish, aged about 26 years, who is the detenu. The detenu has been detained by the first respondent by his order in No.269/BCDFGISSSV/2020 dated 31.07.2020, 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 and we have also perused the records carefully.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the detenu was arrested in 3 adverse cases and the ground case on 14.07.2020; however, remand order of both cases were not enclosed and translated in vernacular language, which caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. A perusal of the booklet would go to show that the remand order of both cases were not enclosed and translated in the booklet 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 No.269/BCDFGISSSV/2020 dated 31.07.2020, passed by the first respondent is set aside. The detenu, namely, Sathishkumar @ Sathish @ Theenja Sathish, son of Murugan, aged about 26 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

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To

1. The Commissioner of Police,
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Chennai - 600 007.
2. The Government of Tamilnadu,
Rep. by its Secretary to Government,
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3. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police (Crime),
K-3, Aminjikarai Police Station,
Chennai.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1721 of 2020

BR(CO)
SP(21/06/2021)

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