

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice R.PONGIAPPAN
H.C.P.No.1631 of 2020

P.Easwari

... Petitioner

Vs.

1.State of Tamil Nadu represented by

The Secretary,
Department of Prohibition and Excise,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

3.The Inspector of Police,
J-7, Velachery Police Station,
Velachery, Chennai - 600 042.

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 in BCDFGISSSV.No.304/2020 dated 18.08.2020 on the file of the 2nd respondent herein and quash the same as illegal and further direct the respondents to produce the detenu T.Prabhu, son of Thangavelu, aged about 36 years, now confined at Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner : Mr.B.Saravanan

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

ORDER

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

The petitioner is the wife of Prabhu, son of Thangavel, aged about 36 years, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.304/2020 dated 18.08.2020, 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 arrest report 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 Nos.252 and 253 of the booklet, it is clear that the arrest report 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 BCDFGISSSV.No.304/2020 dated 18.08.2020, passed by the second respondent is set aside. The detenu, viz., Prabhu, son of Thangavel, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

/TRUE COPY/

सत्यमेव जयते
Sub-Assistant Registrar

nsd
To

1.The Secretary,
Department of Prohibition and Excise,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

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3.The Inspector of Police,
J-7, Velachery Police Station,
Velachery, Chennai - 600 042.

4.The Superintendent of Prison,
Central Prison-II, Puzhal,
Chennai - 600 066.

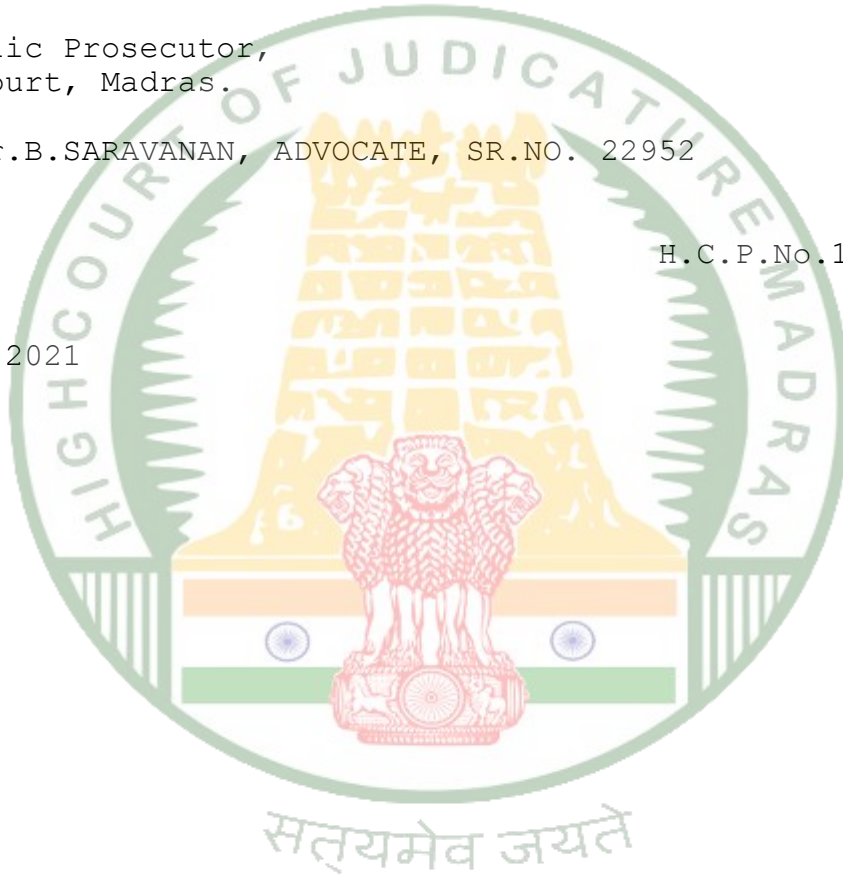
5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

6.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.B.SARAVANAN, ADVOCATE, SR.NO. 22952

H.C.P.No.1631 of 2020

UM(CO)
KKN 26.04.2021



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