

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

Coram

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

H.C.P.No.1629 of 2020

P.Elavarasi

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and
District Magistrate,
Perambalur District, Perambalur.

3.The Superintendent of Police,
Perambalur District, Perambalur.

4.The Superintendent of Prison,
Central Prison, Trichy.

5.The Inspector of Police,
Perambalur Police Station,
Perambalur.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records in Cr.M.P.No.24/2020 dated 10.08.2020 on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondents to produce the petitioner's son Prakash, son of Padmanaban, aged about 30 years, who now detained in Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner : Mr.K.Gandhi Kumar

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

ORDER

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

The petitioner is the mother of Prakash, son of Padmanaban, aged about 30 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.24/2020 dated 10.08.2020, 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 bail 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.75 to 77 of the booklet, it is clear that the remand order 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 Cr.M.P.No.24/2020 dated 10.08.2020, passed by the second respondent is set aside. The detenu, namely, Prakash, son of Padmanaban, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Perambalur District, Perambalur.
- 3.The Superintendent of Police,
Perambalur District, Perambalur.
- 4.The Superintendent of Prison,
Central Prison, Trichy.
- 5.The Inspector of Police,
Perambalur Police Station,
Perambalur.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.

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KM(30/04/2021)

H.C.P.No.1629 of 2020

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