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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

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THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.No.1138 of 2021

Shanmugavelu
S/o.Palanisamy

.. Petitioner

Vs.

1.State of Tamil Nadu
represented by its
Secretary to Government [Home]
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

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

3.The Superintendent of Prisons,
Coimbatore Central Prison,
Coimbatore District.

4.The Superintendent of Police,
Coimbatore,
Coimbatore District.

5.The State represented by
Inspector of Police,
Thondamuthur Police Station,
Coimbatore District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records in Cr.M.P.No.06/G/2021/E1 dated 16.05.2021 on the file of the second respondent and quash the same as illegal and direct the respondents to produce the petitioner's son Prabhakaran @ Prabhu s/o.Shanmugavelu, aged 26 years, who is now confined at Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

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

The petitioner is the father of the detenu viz., Prabhakaran @ Prabhu s/o.Shanmugavelu, aged 26 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.06/G/2021/E1 dated 16.05.2021, holding him to be a "Goonda", as contemplated under Section 2(f) of the 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. We have also perused the records produced by the Detaining Authority.

3. Though 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 properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, 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 to 166 of the booklet, it is clear that the remand order pertaining to the ground case has not been properly translated in vernacular language. 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.06/G/2021/E1 dated 16.05.2021 passed by the second respondent is set aside. The detenu, viz., Prabhakaran @ Prabhu s/o.Shanmugavelu, aged 26 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

gm

