

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P.No.1857 of 2020

Haripriya

.. Petitioner

Vs.

- 1.The District Magistrate and District Collector,
Dharmapuri District, Dharmapuri.
- 2.Government of Tamil Nadu
rep. by its Secretary,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 3.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.
- 4.The Superintendent,
Central Prison, Salem.
- 5.The Inspector of Police,
Harur Police Station,
Dharmapuri District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the records relating to the proceedings of the first respondent in S.C.No.05 of 2020 dated 19.08.2020/GOONDA against petitioner's husband Moorthi, son of Murugan, Hindu, aged about 34 years and quash the same and consequently direct the respondents herein to produce the detenu who has now been detained under Act 14/1982 in Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.J.Bharathiraja

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM.]

The petitioner is the wife of the detenu, Moorthi, son of Murugan, aged about 34 years. The detenu has been detained by the first respondent by its order dated 19.08.2020 in S.C.No.05/2020, 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 Form 14 pertaining to the ground case has not been translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this 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 No.64 of the booklet, it is clear that Form 14 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 S.C.No.05/2020 dated 19.08.2020, passed by the first respondent is set aside. The detenu, viz., Moorthi, son of Murugan, aged about 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The District Magistrate and District Collector,
Dharmapuri District, Dharmapuri.

2. Government of Tamil Nadu
rep. by its Secretary,
Prohibition and Excise Department,
Fort St. George, Chennai - 9.

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

4. The Superintendent,
Central Prison, Salem.

5. The Inspector of Police,
Harur Police Station,
Dharmapuri District.

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

7. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1857 of 2020

AD(CO)
CB(31/03/2021)



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