

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.1701 of 2020

Saleema,
W/o.Barkath

...

Petitioner /
Wife of the detenu

versus

- 1.State rep. by:
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
 - 2.The District Collector and
District Magistrate,
Krishnagiri District,
Krishnagiri.
 - 3.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
 - 4.The Inspector of Police,
Hosur Town Police Station,
Krisnagiri District.
 - 5.The Superintendent of Prison,
Central Prison, Salem.
- सत्यमेव जयते Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in S.C.No.36/2020 dated 07.08.2020 on the file of the second respondent and quash the detention as illegal and direct the respondents to produce the detenu Barkath, S/o.Chan Basha, aged about 30 years now confined in Central Prison, Salem before this Court and set him at liberty.

For Petitioner : M/s.S.Sengkodi

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 wife of Barkath, son of Chan Basha, aged about 30 years, who is the detenu. The detenu has been detained by the second respondent by his order in S.C.No.36/2020 dated 07.08.2020, 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 intimation 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.155 and 156 of the booklet, it is clear that the arrest intimation 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.36/2020 dated 07.08.2020, passed by the second respondent is set aside. The detenu, namely, Barkath, son of Chan Basha, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Mr.B.M.Sridhar, Samarpana, No.10, Subramani Nagar,
Vinayagapuram, Near Retteri, Kolathur Post, Chennai-99 3.The Sub
Assistant Registrar,

To

1.State rep. by:

The Secretary to Government,
Home, Prohibition and Excise Department,
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Chennai - 600 009.

2.The District Collector and
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Krishnagiri.

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

4.The Inspector of Police,
Hosur Town Police Station,
Krisnagiri District.

5.The Superintendent of Prison,
Central Prison, Salem.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1701 of 2020

SSN(CO)
baf 10/05/2021



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