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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.1426 of 2021

Joseph .. Petitioner

Vs.

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9
2. The Commissioner of Police
Greater Chennai
3. The Superintendent of Prison
Central Prison, Puzhal
Chennai-66
4. The Inspector of Police
K-11, CMBT Police Station
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in connection with the order of detention passed by the 2nd respondent dated 17.12.2020 in Memo No.518/BCDFGISSSV/2020 against the petitioner's son viz., Jegan, aged 29 years, S/o.Joseph, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

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The petitioner is the father of the detenu viz., Jegan, aged 29 years, S/o. Joseph. The detenu has been detained by the 2nd respondent by his order dated 17.12.2020 in Memo No.518/BCDFGISSSV/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. We have also perused the records produced by the Detaining Authority.

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 remand order 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.191 to 193 of the booklet, it is clear that the remand order 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 Memo No.518/BCDFGISSSV/2020, dated 17.12.2020, passed by the 2nd respondent is set aside. The detenu viz., Jegan, aged 29 years, S/o. Joseph, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9
2. The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
3. The Commissioner of Police
Greater Chennai
4. The Superintendent of Prison
Central Prison, Puzhal
Chennai-66
5. The Inspector of Police
K-11, CMBT Police Station
Chennai.
6. The Public Prosecutor
High Court, Madras.

H.C.P.No.1426 of 2021

BP(CO)
SU(12/10/2021)