

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.1750 of 2020

A.Fairoj,
W/o.Abuthahir @ Abu ... Petitioner /
Wife of the detenu

versus

- 1.The State of Tamilnadu,
Represented by its Secretary to Government
(Home) Prohibition & Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police,
Coimbatore City.
- 3.The Superintendent of Prison,
Central Prison - Coimbatore,
Coimbatore District.
- 4.State rep. by its,
The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 14.07.2020 in C.No.49/G/IS/2020 against the petitioner's husband namely, A.Abuthahir @ Abu, aged about 46 years, son of Abdul Raheem, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.R.Nalliyappan
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 A.Abuthahir @ Abu, son of Abdul Raheem, aged about 46 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.No.49/G/IS/2020 dated 14.07.2020, 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 G.O. empowers the Commissioner of Police to pass detention order under Act 14 of 1982, which has been enclosed in page nos.187 and 188 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.187 and 188 of the booklet, it is clear that G.O. empowers the Commissioner of Police to pass detention order under Act 14 of 1982, 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 C.No.49/G/IS/2020 dated 14.07.2020, passed by the second respondent is set aside. The

detenu, namely, A.Abuthahir @ Abu, son of Abdul Raheem, aged about 46 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

sri

To

- 1.The Secretary to Government,
State of Tamilnadu,
(Home) Prohibition & Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police,
Coimbatore City.
- 3.The Superintendent of Prison,
Central Prison - Coimbatore,
Coimbatore District.
- 4.The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore District.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.
- 6.The Public Prosecutor,
High Court, Madras.

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