

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.1823 of 2020

P.Devasena ... Petitioner /Mother of the Detenue

Vs.

- 1.State of Tamil Nadu
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Prison,
Central Prison-Cuddalore,
Cuddalore District - 4.
- 4.The Superintendent of Police,
Cuddalore District, Cuddalore - 1.
- 5.The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records pertaining to the detention order passed by the 2nd respondent in C3/D.O/91/2020 dated 30.08.2020 and set aside the same and direct the respondents to produce the petitioner's son viz., Subaganesh, son of Pakkirisamy, aged about 24 years, who is now confined in Central Prison, Cuddalore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondents : Mr.R.Muniyapparaj,
: Govt.Advocate
(Crl.Side)

ORDER

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

The petitioner is the mother of Subaganesh, son of Pakkirisamy, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O/91/2020 dated 30.08.2020, 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 Government Advocate (Crl.Side) 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 dismissal order of bail pertaining to the ground case has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. 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.120 and 121 of the booklet, it is clear that the dismissal order of bail 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O/91/2020 dated 30.08.2020, passed by the second respondent is set aside. The detenu, viz., Subaganesh, son of Pakkirisamy, aged about 24 years, is directed

to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Prison,
Central Prison-Cuddalore,
Cuddalore District - 4.
- 4.The Superintendent of Police,
Cuddalore District, Cuddalore - 1.
- 5.The Inspector of Police,
Nellikuppam Police Station,
Cuddalore 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.1823 of 2020

SSN(CO)
CB(18/06/2021)

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