

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.1758 of 2020

Kokila,
W/o.Sekar

...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 Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Ammamet Police Station,
Salem.

...Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in C.M.P.No.44/Goonda/Salem City/2020 dated 13.07.2020 on the file of the second respondent and quash the detention as illegal and direct the respondents to produce the detenu Sekar, S/o.Seshadri, aged 36 years now confined in Central Prison, Salem before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Rajanikanth

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 Sekar, son of Seshadri, aged about 36 years, who is the detenu. The detenu has been detained by the second respondent by his order in C.M.P.No.44/Goonda/Salem City/2020 dated 13.07.2020, 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 the form of remand warrant 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.125 and 126 of the booklet, it is clear that the form of remand warrant 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.M.P.No.44/Goonda/Salem City/2020 dated 13.07.2020, passed by the second respondent is set aside. The detenu, namely, Sekar, son of Seshadri, aged about 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sri
To

1.State rep. by:

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

2.The Commissioner of Police,
Salem City, Salem.

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

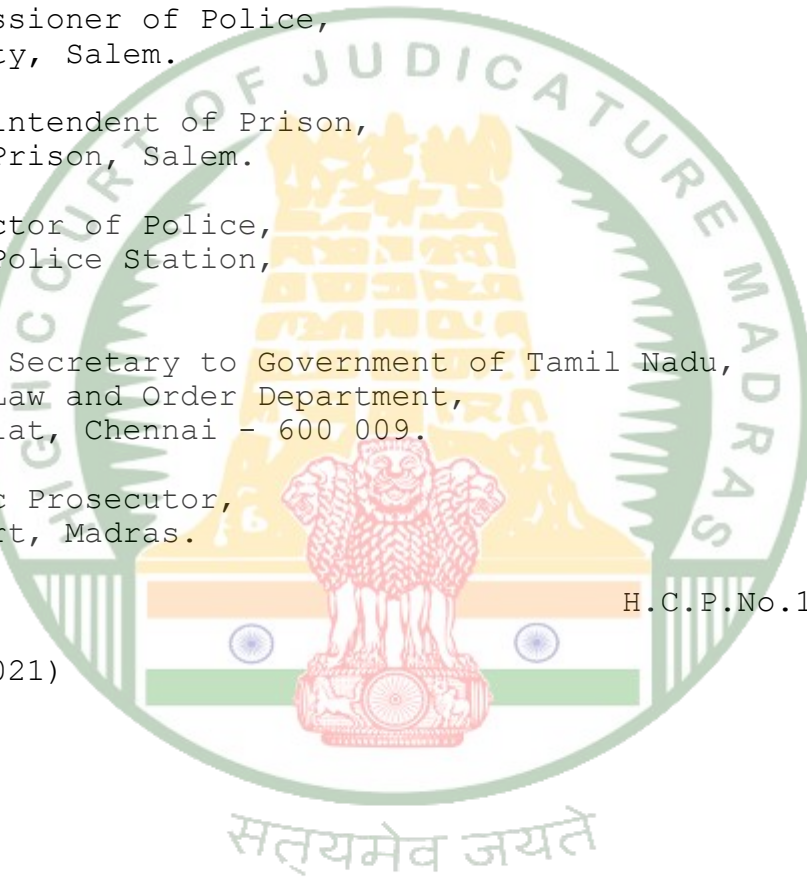
4.The Inspector of Police,
Ammamet Police Station,
Salem.

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.

H.C.P.No.1758 of 2020

JOII(CO)
RMP(04/05/2021)



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