

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2021

Coram

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

H.C.P.No.1805 of 2020

Deepa

.. Petitioner/
Wife of Detenue

Vs.

1. Government of Tamil Nadu
represented by the Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
 2. The District Collector and District Magistrate,
Office of the District Collector
and District Magistrate,
Thiruvannamalai District.
 3. The Superintendent of Police,
Thiruvannamalai District.
 4. The Superintendent of Prison,
Central Prison,
Vellore.
 5. The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
(Crime No.2536 of 2020)
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in D.O.No.97/2020-C2 dated 11.09.2020 on the file of the 2nd respondent and quash the same and direct the respondents herein to produce the petitioner husband Rajeshkumar, male, aged about 35 years, son of Kasi, who is now confined in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.S.Silambu Selvan
For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of Rajeshkumar, male, aged about 35 years, son of Kasi, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.97/2020-C2 dated 11.09.2020, 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 bail application pertaining to the ground case has not been 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.90 and 91 of the booklet, it is clear that the bail application pertaining to the ground case 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 D.O.No.97/2020-C2 dated 11.09.2020, passed by the second respondent is set aside. The

detenu, viz., Rajeshkumar, male, aged about 35 years, son of Kasi, 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

NSD

To

1. The Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector
and District Magistrate,
Thiruvannamalai District.
3. The Superintendent of Police,
Thiruvannamalai District.
4. The Superintendent of Prison,
Central Prison,
Vellore.
5. The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai 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.1805 of 2020

PMK (CO)
TE (30/04/2021)