

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 1799 of 2020

P.Shanthi

.. Petitioner

Vs

- 1.The State of Tamil Nadu
rep. By the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Tamil Nadu Government Chief Secretariat,
Fort St. George, Chennai - 9.
- 2.The District Collector and District Magistrate,
Tirupathur, Tirupathur District.
- 3.The Superintendent of Police,
Tirupathur, Tirupathur District.
- 4.The Superintendent of Central Prison,
Central Prison, Vellore.
- 5.The Inspector of Police,
Kandhili Police Station,
Kandhili, Tirupathur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus to call for the entire records relating to the impugned detention order in C3/D.O.No.29/2020 dated 10.08.2020 passed by the second respondent herein and quash the same and direct the respondents to produce the body or person of the petitioner's husband R.Prabhu, Son of Rajamani, Hindu, male, aged about 37 years, now confined in the Central Prison, Vellore, Vellore District before this Court and set him at liberty.

For Petitioner : Mr.D.Jagadeesan

For Respondents: Mr.R.Prathap Kumar,
Addl.Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

The petitioner is the wife of the detenu, Prabhu, Son of Rajamani, aged about 37 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.29/2020 dated 10.08.2020 holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 extension order in Suo Motu W.P.(MD) No.6226 of 2020 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.110 to 120 of the booklet, it is clear that the remand extension order in Suo Motu W.P.(MD) No.6226 of 2020 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 C3/D.O.No.29/2020 dated 10.08.2020, passed by the second respondent is set aside. The detenu, namely, Prabhu, Son of Rajamani, aged about 37 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

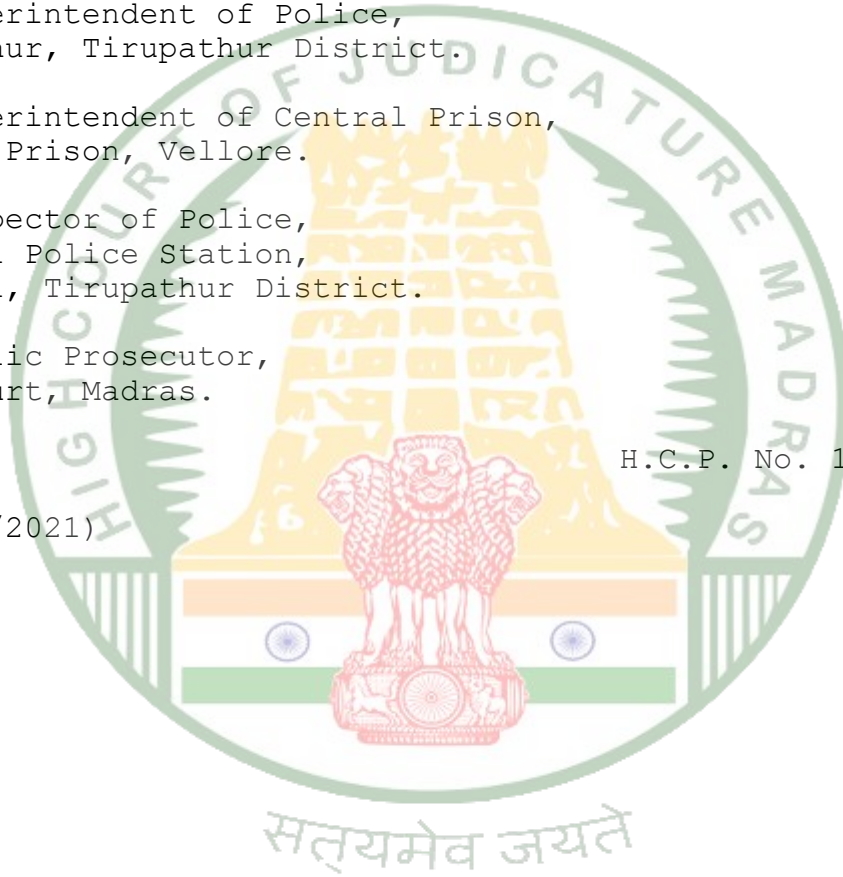
mmi

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Tamil Nadu Government Chief Secretariat,
Fort St. George, Chennai - 9.
- 2.The District Collector and District Magistrate,
Tirupathur, Tirupathur District.
- 3.The Superintendent of Police,
Tirupathur, Tirupathur District.
- 4.The Superintendent of Central Prison,
Central Prison, Vellore.
- 5.The Inspector of Police,
Kandhili Police Station,
Kandhili, Tirupathur District.
- 6.The Public Prosecutor,
High Court, Madras.

SR II (CO)
RMP (03/03/2021)

H.C.P. No. 1799 of 2020



WEB COPY