

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

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

H.C.P.No.1911 of 2020

Ammu ...Petitioner/ Aunty of the detenu

versus

1.The State of Tamilnadu,
Represented by Secretary to Government,
Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.

2.The District Magistrate and
District Collector,
Thiruvallur District, Thiruvallur.

3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.

4.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4.The Inspector of Police,
M-4, Redhills Police Station,
Thiruvallur District. ...

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order dated 25.06.2020 passed by the second respondent (sic) Commissioner of Police, Greater Chennai, in BCDFGISSSV No.240/2020 and quash the same and direct the respondents herein to produce the petitioner's Nephew Nagaraj, son of Sampath, aged 25 years, who is presently undergoing detention in the Central Prison, Puzhal before this Court and set him at liberty.

For Petitioner : M/s.G.Gayathri
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 aunt of Nagaraj, son of
<https://hcservices.ecourts.gov.in/hcservices/>
Sampath, aged about 25 years, who is the detenu. The detenu

has been detained by the second respondent (sic) Commissioner of Police, Greater Chennai, by his order in BCDFGISSSV No.240/2020 dated 25.06.2020, 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 we have also perused the records carefully. The learned Additional Public Prosecutor has filed a counter and strongly opposed this Petition.

3. Though several grounds have been raised, learned counsel for the petitioner mainly focused his arguments on the ground that the remand order pertaining to the ground case has not been properly translated, which caused great prejudice to the detenu and he has been prevented from making an effective representation for consideration of the authorities concerned. Therefore, the impugned order of detention is vitiated in law.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.72 and 73 of the booklet, it is clear that ground case remand order 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 BCDFGISSSV No.240/2020 dated 25.06.2020, passed by the second respondent (sic) Commissioner of Police, Greater Chennai, is set aside. The detenu, viz. Nagaraj, son of Sampath, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

सत्यमेव जयते

Assistant Registrar (CCC)

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Sub Assistant Registrar

sri

To

1.The State of Tamilnadu,
Represented by Secretary to Government,
Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.

2.The District Magistrate and
District Collector,
Thiruvallur District, Thiruvallur.

3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.

4.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

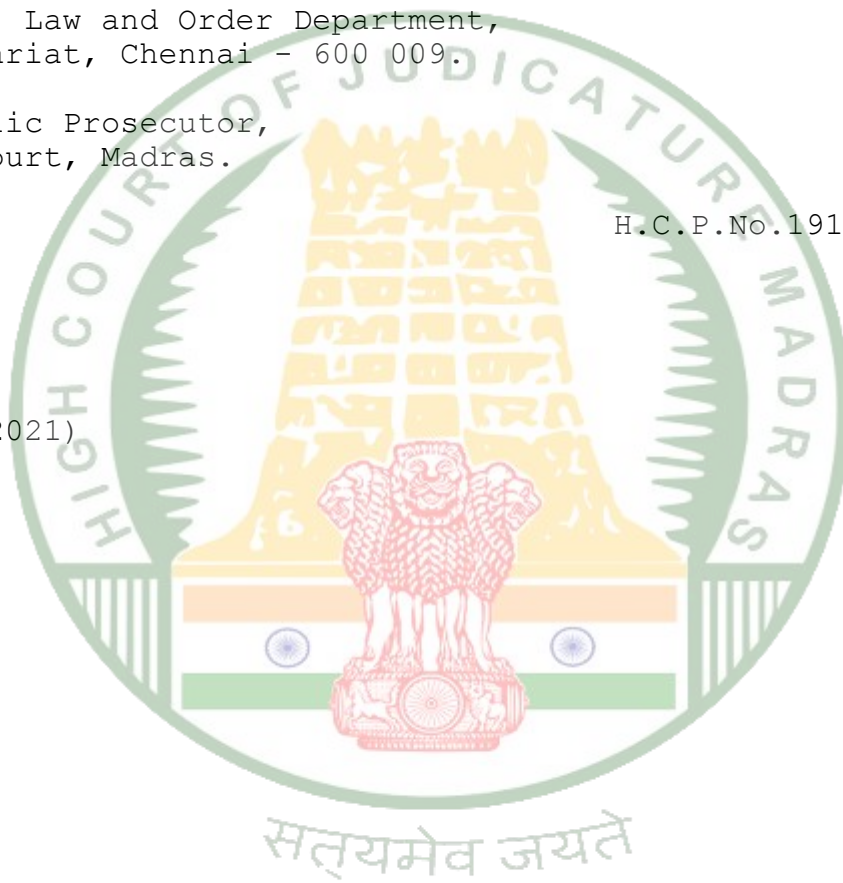
4.The Inspector of Police,
M-4, Redhills Police Station,
Thiruvallur District.

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.

H.C.P.No.1911 of 2020

RLD(CO)
GN(29/04/2021)



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