

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

Coram

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

H.C.P.No.1933 of 2020

Lalitha

.. Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 7.
- 3.The Superintendent of Prison,
Central Prison-Puzhal II,
Puzhal, Chennai.
- 4.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in Memo No.383/BCDFGISSSV/2020 passed by the 2nd respondent on 21.09.2020 on the file of the 2nd respondent and quash the same as illegal and consequently direct the respondent to produce the petitioner's husband Harikrishnan @ Hariappa, son of Siva, aged about 24 years, before this Court, who now detained in Central Prison, Puzhal - II and set him at liberty.

For Petitioner : Mr.A.Elumalai
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 the detenu viz., Harikrishnan @ Hariappa, son of Siva, aged about 24 years. The detenu has been detained by the second respondent by his order in Memo No.383/BCDFGISSSV/2020 dated 21.09.2020, 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 remand order pertaining to the ground case has not been properly 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 113 of the booklet, it is clear that the remand order 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.383/BCDFGISSSV/2020 dated 21.09.2020, passed by the second respondent is set aside. The detenu, viz., Harikrishnan @ Hariappa, son of Siva, 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-CCC)

//True copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 7.
- 3.The Superintendent of Prison,
Central Prison-Puzhal II,
Puzhal, Chennai.
- 4.The Inspector of Police,
P-5, MKB Nagar Police Station,
Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

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H.C.P.No.1933 of 2020

RLD (CO)
GMY (30/04/2021)