

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM

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

H.C.P.NO.2253 OF 2020

N.Nathiya

..Petitioner/Wife of the detenuue

Vs.

1. State of Tamil Nadu represented by
The Secretary to the Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai - 600 115.
4. The Superintendent of Prison,
Central Prison,
Trichy.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to BCDFGISSSV No.411/2020 dated 16.10.2020 on the file of the 2nd respondent herein and set aside the same and direct the respondents herein to produce the petitioner's husband Natraj @ Navamani, son of Gurusamy, aged about 28 years, now confined in Central Prison, Trichy, before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.R.Muniyapparaj,
: Govt.Advocate
(Crl.Side)

ORDER

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

The petitioner is the wife of Natraj @ Navamani, son of Gurusamy, aged about 28 years, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.411/2020 dated 16.10.2020, 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 Government Advocate (Crl.Side) 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 order pertaining to the similar 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.397 to 399 of the booklet, it is clear that the bail order pertaining to the similar case has not been 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 BCDFGISSSV No.411/2020 dated 16.10.2020, passed by the second respondent is set aside. The detenu, viz., Natraj @ Navamani, son of Gurusamy, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

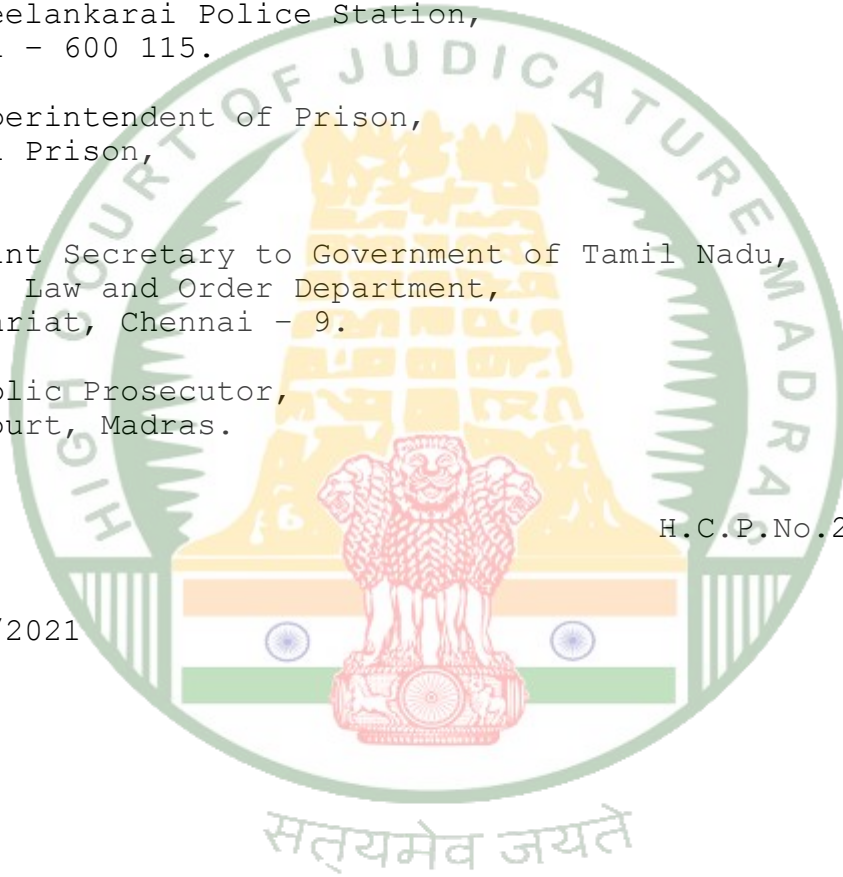
nsd

To

1. The Secretary to the Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.
3. The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai - 600 115.
4. The Superintendent of Prison,
Central Prison,
Trichy.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2253 of 2020

LN(CO)
KKV/09/07/2021



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