

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice P.RAJAMANICKAM

H.C.P.No.2099 of 2020

Kalpana

.. Petitioner/wife of the detenu

Vs.

State represented by

1. State of Tamil Nadu,
Represented by the Secretary of State,
Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.
2. The District Collector and District Magistrate,
Thiruvallur District.
3. The Superintendent of Police,
Thiruvallur District, Tamil Nadu-602 001.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
5. The Inspector of Police,
B-5, Manavala Nagar Police Station,
Tiruvallur 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 28.06.2020 made in detention order B.C.D.F.G.I.S.S.S.V.No.22/2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's husband Saravanan, son of Selvam, aged about 30 years, branded as Goonda, now confined in Central Prison, Puzhal, Chennai - 600 066, before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Mohan Raj

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Saravanan, son of Selvam, aged about 30 years. The detenu has been detained by the second respondent by its order dated 28.06.2020 in B.C.D.F.G.I.S.S.S.V.No.22/2020, 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 arrest intimation 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 No.87 of the booklet, it is clear that the arrest intimation 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 B.C.D.F.G.I.S.S.S.V.No.22/2020 dated 28.06.2020, passed by the second respondent is set aside. The detenu, viz., Saravanan, son of Selvam, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary of State,
Prohibition & Excise Department,
Fort St. George,
Chennai-600 009.
2. The District Collector and District Magistrate,
Thiruvallur District.
3. The Superintendent of Police,
Thiruvallur District.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 600 066.
5. The Inspector of Police,
B-5, Manavala Nagar Police Station,
Tiruvallur 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.2099 of 2020

PMK (CO)
CSR 29.03.2021



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