

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2021

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice R.N.MANJULA

H.C.P. No.2154 of 2020

Mohan

... Petitioner

-vs-

- 1.The Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector & District Magistrate,
Kancheepuram District, Kancheepuram.
- 3.The Superintendent of Police,
Kancheepuram District, Kancheepuram.
- 4.The Superintendent of Prison,
Central Prison, Vellore -2.
- 5.The Inspector of Police,
Somangalam Police Station,
Kancheepuram District.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records in connection with the Order of Detention passed by the second respondent dated 25.10.2020 in B.C.D.FG.I.S.S.S.V. No.65/2020 against the petitioner's son Inba @ Inbarasu, Male, aged 31 years S/o Mohan, who is confined at Central Prison Vellore, and set aside the same and direct the respondents to produce the detainee before the Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner is the father of the detenu - Inba @ Inbarasu, aged 31 years, S/o Mohan. The detenu has been detained by the second respondent by his order in B.C.D.FG.I.S.S.S.V. No.65/2020 dated 25.10.2020, 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 (Criminal Side) 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 No.95 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 B.C.D.FG.I.S.S.S.V. No.65/2020 dated 25.10.2020, passed by the second respondent is set aside. The detenu, namely, Inba @ Inbarasu, Male aged 31 years S/o Mohan, 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

mmi/sni
To

- 1.The Secretary to Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 3.The District Collector & District Magistrate,
Kancheepuram District,
Kancheepuram.
- 4.The Superintendent of Police,
Kancheepuram District, Kancheepuram.
- 5.The Superintendent of Prison,
Central Prison, Vellore -2.
- 6.The Inspector of Police,
Somangalam Police Station,
Kancheepuram District.
- 7.The Public Prosecutor,
High Court, Madras.

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srg 10/06/2021

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