

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 29.04.2021
Coram

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

H.C.P.No.2126 of 2020

Indira

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Section),
Vepery, Chennai - 600 007.

3.The Superintendent of Police,
Central Prison II,
Puzhal.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order dated 25.06.2020 passed by the second respondent in proceedings No.242/BCDFGISSSV/2020 and quash the same and direct the respondents herein to produce the petitioner's son Ramesh @ Subramani, son of Subbiah, aged about 22 years, who is presently under going detention in the Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.Chandrasekar
for Ms.G.Gayathri

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 mother of the detenu viz., Ramesh @ Subramani, son of Subbiah, aged about 22 years. The detenu has been detained by the second respondent by his order in proceedings No.242/BCDFGISSSV/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 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. The learned Additional Public Prosecutor appearing for the respondents strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.78 and 79 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 proceedings No.242/BCDFGISSSV/2020 dated 25.06.2020, passed by the second respondent is set aside. The detenu, viz., Ramesh @ Subramani, son of Subbiah, aged about 22 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 to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goondas Section),
Vepery, Chennai - 600 007.
- 3.The Superintendent of Police,
Central Prison II,
Puzhal.
- 4.The Inspector of Police,
M-4, Red Hills Police Station,
Thiruvallur District.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

RLD(CO)
baf 11/05/2021

H.C.P.No.2126 of 2020

सत्यमेव जयते

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