

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and

The Hon'ble Ms. Justice R.N.MANJULA

H.C.P. No.2163 of 2020

Mavubee

... Petitioner

-vs-

1. State of Tamil Nadu
Represented By its Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
 2. The District Collector and District Magistrate
of Ranipet District
Ranipet.
 3. The Superintendent of Police,
Ranipet, Ranipet District.
 4. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
 5. The Inspector of Police,
AWPS Ranipet
Ranipet District.
- Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records of the detention dated 29.10.2020 in detention order No.B3/D.O.No/110/2020 on the file of the second respondent herein, and quash the same and direct the respondents herein to produce the body of the detainee Basha, S/o.Imam Saibu Muslim aged about 38 years, who is now confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.R.Thamaraiselvan

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 mother of the detenu - Basha S/o.Imam Saibu, aged about 38 years. The detenu has been detained by the second respondent by his order in B3/D.O.NO/110/2020 dated 29.10.2020, 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 arrest intimation pertaining to the ground case 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.64 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 B3/D.O.No/110/2020 dated 29.10.2020 passed by the second respondent is set aside. The detenu, namely, Basha, S/o.Imam Saibu, aged about 38 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

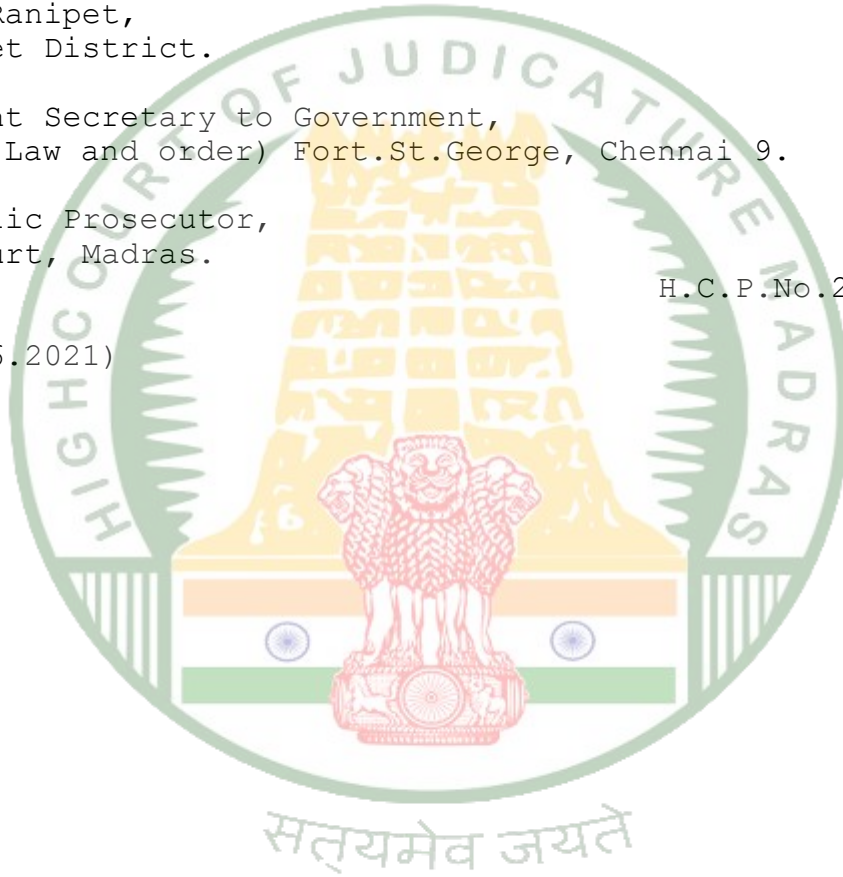
mmi/Vv
To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

2. The District Collector and District Magistrate
Ranipet District, Ranipet.
3. The Superintendent of Police,
Ranipet, Ranipet District.
4. The Superintendent of Prison,
Central Prison,Vellore,
Vellore District.
5. The Inspector of Police,
AWPS Ranipet,
Ranipet District.
- 6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2163 of 2020

rp(CO)
A.SK(17.06.2021)



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