

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

Coram

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

H.C.P.No.2242 of 2020

Govindhammal ... Petitioner/Detenuue/Mother

Vs.

State represented by

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

2.The District Collector and
District Magistrate,
Cuddalore.

3.The Superintendent of Police,
Cuddalore District,
Tamil Nadu - 607 001.

4.The Superintendent of Prison,
Central Prison,
Cuddalore District.

5.The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the detention order dated 26.10.2020 made in detention order C3/D.O./121/2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's son Jayaprakash @ Prakash, son of Senjeevel, aged about 25 years, branded as Goonda and now confined in Central Prison, Cuddalore District, before this

Court and set him at liberty forthwith.

For Petitioner : Mr.C.Mohanraj
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 mother of Jayaprakash @ Prakash, son of Senjeevel, aged about 25 years, who is the detenu. The detenu has been detained by the second respondent by his order in C3/D.O./121/2020 dated 26.10.2020, 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 extension of interim orders in suo motu W.P.(MD).No.6126 of 2020 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. The learned Government Advocate (Crl.Side) 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.84 and 85 of the booklet, it is clear that the extension of interim orders in suo motu W.P.(MD).No.6126 of 2020 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 C3/D.O./121/2020 dated 26.10.2020, passed by the second respondent is set aside. The detenu, viz.,

Jayaprakash @ Prakash, son of Senjeevel, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary of State,
Prohibition and Excise Department,
St.George Fort,
Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District,
Tamil Nadu - 607 001.
- 4.The Superintendent of Prison,
Central Prison,
Cuddalore District.
- 5.The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore 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.2242 of 2020

PL (CO)
R.K. (13.07.2021)