

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.2256 of 2020

Bharathi,
W/o.Jagan

...

Petitioner /
Wife of the detenu

versus

1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and
District Magistrate,
Cuddalore District, Cuddalore.

3.The Superintendent of Police,
Cuddalore District, Cuddalore.

4.The Chief Superintendent of Police,
Central Prison, Puducherry.

5.The Inspector of Police,
Thookkanampakkam Police Station,
Cuddalore 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 C3/D.O./123/2020 dated 26.10.2020 on the file of the second respondent and quash the same as illegal and consequently direct the respondents to produce the petitioner's husband Jack @ Jagan, son of Velu, aged about 32 years, who now detained in Central Prison, Kalapet, Puducherry, before this Court and set him at liberty.

For Petitioner : M/s.K.Gandhi Kumar

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

O R D E R

[Order of the Court was made by R.PONGIAPPAN, J.]

The petitioner is the wife of Jack @ Jagan, son of Velu, aged about 32 years, who is the detenu. The detenu has been detained by the second respondent by his order in

C3/D.O./123/2020 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 Suo Motu W.P.(MD)No.6126 of 2020 dated 01.06.2020 which has been enclosed in page nos.85 and 86 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 Nos.85 and 86 of the booklet, it is clear that Suo Motu W.P.(MD)No.6126 of 2020 dated 01.06.2020 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 C3/D.O./123/2020 dated 26.10.2020, passed by the second respondent is set aside. The detenu, viz. Jack @ Jagan, son of Velu, aged about 32 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

sri

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and
District Magistrate,
Cuddalore District, Cuddalore.

3.The Superintendent of Police,
Cuddalore District, Cuddalore.

4.The Chief Superintendent of Police,
Central Prison, Puducherry.

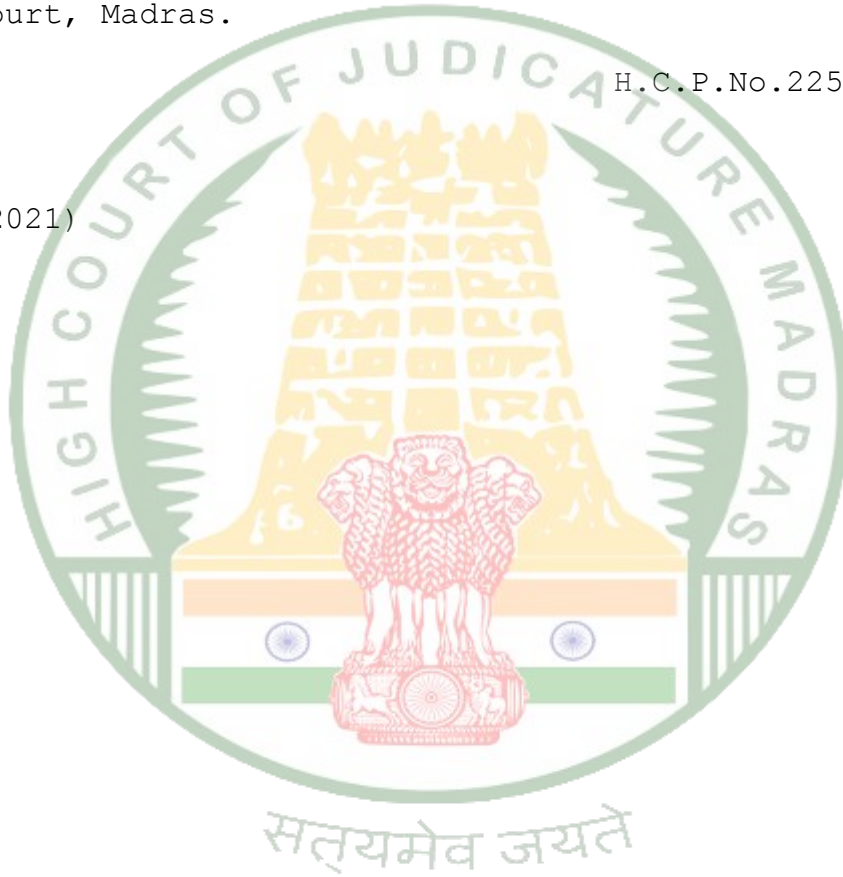
5.The Inspector of Police,
Thookkanampakkam Police Station,
Cuddalore District.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 600 009.

7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2256 of 2020

CP(CO)
GN(01/07/2021)



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