

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.2262 of 2020

Jothi

... Petitioner

-vs-

1.State of Tamil Nadu

Rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007.

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

4.The Inspector of Police ,
P-4, Basin Bridge Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the detention Order in Memo No.406/BCDFGIISSSV/2020, dated 12.10.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Sarathkumar @ Garden Sarath, S/o. Murali aged about 30 years the detenu, now confined in Central Prison, Cuddalore before this Hon'ble Court and set the petitioner's son Sarathkumar @ Garden Sarath, S/o. Murali, aged about 30 years the detenu herein at liberty.

For Petitioner : Mr.M.Thamilselvan

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 - Sarathkumar @ Garden Sarath, S/o. Murali, aged about 30 years. The detenu has been detained by the second respondent by his order in Memo

No.406/BCDFGISSSV/2020 dated 12.10.2020, 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 order 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.102 to 105 of the booklet, it is clear that the remand order has not been properly 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 Memo No.406/BCDFGISSSV/2020 dated 12.10.2020, passed by the second respondent is set aside. The detenu, namely, Sarathkumar @ Garden Sarath, S/o. Murali, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy// सत्यमेव जयते
Sub Assistant Registrar

mml/sni
To

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

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007.

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

4.The Inspector of Police ,
P-4, Basin Bridge Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

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A.SK(10.06.2021)



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