

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH  
and  
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P.No.2339 of 2020

S.Radhika

.. Petitioner

Vs.

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

2.The Commissioner of Police/  
Detaining Authority,  
Coimbatore City,  
Coimbatore District.

3.The Superintendent of Prison,  
Central Prison - Coimbatore,  
Coimbatore District.

4.State represented by  
The Inspector of Police,  
E-1, Singanallur Police Station,  
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus calling for the entire records, relating to the petitioner's husband detention under Sub-Section (2) of Section 3 of the National Security Act 1980 (Central Act 65 of 1980) vide detention order, dated 14.03.2020 on the file of the second respondent herein made in proceedings Memo C.No.03/NSA/IS/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband viz., E.Suryakumar, S/o.Elango, aged 30 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi  
For Respondents: Mr.R.Prathap Kumar,  
Addl.Public Prosecutor

## ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

The petitioner is the wife of the detenu, E.Suryakumar, S/o.Elango, aged about 30 years. The detenu has been detained by the second respondent by his order dated 14.03.2020 in C.No.03/NSA/IS/2020 under Sub-Section (2) of Section 3 of the National Security Act 1980 (Central Act 65 of 1980). 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. 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 Government Order based on which the detention order has been passed, has not been translated in vernacular language. This deprived the detenu from making effective representation. He further submitted that the detention orders of the co-accused viz., Mahendran and Kider Mohammed have been quashed by this Court in H.C.P.Nos.1627 & 807 of 2020, respectively, on 20.11.2020 and 21.12.2020. Therefore, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter. He submitted that mere non-translation of the Government Order will not vitiate the order impugned. Thus, the habeas corpus petition will have to be dismissed.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.139 and 140 of the booklet, it is clear that the Government Order, which was relied upon by the detaining authority 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 C.No.03/NSA/IS/2020, dated 14.03.2020, passed by the second respondent is set aside. The detenu,

viz.,E.Suryakumar, S/o.Elango, 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 VI)

//True Copy//

Sub Assistant Registrar

nsd  
To

- 1.The Secretary to the Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police/  
Detaining Authority,  
Coimbatore City,  
Coimbatore District.
- 3.The Superintendent of Prison,  
Central Prison - Coimbatore,  
Coimbatore District.
4. The Inspector of Police,  
E-1, Singanallur Police Station,  
Coimbatore District.
- 5.The Public Prosecutor,  
High Court, Madras.

H.C.P. No. 2339 of 2020

A.SK(25.02.2021)

सत्यमेव जयते

WEB COPY