

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.2372 of 2020

Padma

... Petitioner/Mother of
detenue

-vs-

- 1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Salem City.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Salem Town Police Station,
Salem City & District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records in connection with the order of Detention passed by the second respondent dated 30.10.2020 in C.M.P.No.54/Goonda/Salem City/2020 against the petitioner Son Sathish, Male aged 34 years S/o.Selvaraj, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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 - Sathish, S/o.Selvaraj, aged about 34 years. The detenu has been detained by the second respondent by his order in C.M.P.No.54/Goonda/Salem City/2020 dated 30.10.2020, 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 extension order in Suo Motu W.P.(MD) No.6226 of 2020 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.95 of the booklet, it is clear that the remand extension order in Suo Motu W.P.(MD) No.6226 of 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 C.M.P.No.54/Goonda/Salem City/2020 dated 30.10.2020, passed by the second respondent is set aside. The detenu, namely, Sathish, S/o.Selvaraj, aged about 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/Vv

To

- 1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat, Chennai 600 009.
- 2.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 3.The Commissioner of Police,
Salem City.
4. The Superintendent of Prison,
Central Prison, Salem.

5. The Inspector of Police,
Salem Town Police Station,
Salem City & District.

6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2372 of 2020

A.SK(10.06.2021)



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