

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.2408 of 2020

J.Sumathi

.. Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
District Collector Office,
Thiruvallur District, Thiruvallur.
- 3.The Superintendent of Police,
Thiruvallur District,
Chinna Ekkadu, Jaya Nagar,
Thiruvallur.
- 4.The Superintendent of Prison
Central Prison-II,
Puzhal, Chennai - 600 066.
- 5.The Sub-Inspector of Police,
Minjur Police Station,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order B.C.D.F.G.I.S.S.S.V.No.61/2020 dated 11.11.2020 passed by the 2nd respondent and quash the same and direct the respondents to produce the detenu Jaishankar @ Shankar @ Thadi Shankar, son of Masi, aged about 50 years, now confined at Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Vivekananthan

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 wife of the detenu viz., Jaishankar @ Shankar @ Thadi Shankar, son of Masi, aged about 50 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.61/2020 dated 11.11.2020, 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 arrest intimation 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.68 of the booklet, it is clear that the arrest intimation 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 B.C.D.F.G.I.S.S.S.V.No.61/2020 dated 11.11.2020, passed by the second respondent is set aside. The detenu, viz., Jaishankar @ Shankar @ Thadi Shankar, son of Masi, aged about 50 years, is directed to be released forthwith unless his detention is required in connection with any other case.

WEB COPY

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
District Collector Office,
Thiruvallur District, Thiruvallur.
- 3.The Superintendent of Police,
Thiruvallur District,
Chinna Ekkadu, Jaya Nagar,
Thiruvallur.
- 4.The Superintendent of Prison
Central Prison-II,
Puzhal, Chennai - 600 066.
- 5.The Sub-Inspector of Police,
Minjur Police Station,
Chennai.
- 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.2408 of 2020

MG (CO)
GN(22/06/2021)

सत्यमेव जयते

WEB COPY