

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.2573 of 2020

Sandhosam ... Petitioner /Wife of the Detenue

Vs.

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

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

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

4.The Superintendent of Prison,
Central Prison,
Salem.

5.The Inspector of Police,
Gangavalli Police Station,
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India 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 21.12.2020 in C.M.P.No.23/B.L.A./C2/2020 against the petitioner's husband Prabakaran, aged about 27 years, son of Mookkan, 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 forthwith.

For Petitioner : Mr.S.Senthil Vel
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 Prabakaran, aged about 27 years, son of Mookkan, who is the detenu. The detenu has been detained by the second respondent by his order in C.M.P.No.23/B.L.A./C2/2020 dated 21.12.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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.52 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 C.M.P.No.23/B.L.A./C2/2020 dated 21.12.2020, passed by the second respondent is set aside. The detenu, viz., Prabakaran, aged about 27 years, son of Mookkan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd
To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and
District Collector,
Salem District, Salem.
- 3.The Superintendent of Police,
Salem District, Salem.
- 4.The Superintendent of Prison,
Central Prison,
Salem.
- 5.The Inspector of Police,
Gangavalli Police Station,
Salem District.
- 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.2573 of 2020

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