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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.NO.1504 OF 2021

Sarojini

.. Petitioner/
Wife of the Detenu

Vs.

1. State represented by
The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate
of Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District, Cuddalore-1.
4. The Superintendent,
Central Prison,
Cuddalore-4.
5. The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore-2.

.. 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 passed by the 2nd respondent herein made in Order No.C3/D.O./14/2021 dated 02.06.2021 on the file of the 2nd respondent herein and quash the same as illegal and direct the respondents to produce the detenu Saminathan, son of Pannerselvam, Hindu, aged 30 years, residing at No.153, CMC Colony, Kuppankulam, Thirupapuliyur, Cuddalore Taluk, Cuddalore District, now confined in the Central Prison, Cuddalore, as a remand prisoner, before this Court and set him at liberty.



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For Petitioner : Mr.T.Gnana Banu

For Respondents : Mr.M.Babu Muthumeeran,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the wife of the detenu Saminathan, son of Pannerselvam, aged 30 years. The detenu has been detained by the second respondent by his order in C3/D.O./14/2021 dated 02.06.2021, 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 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 remand extension order 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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.123 to 125 of the booklet, it is clear that the remand extension order 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 C3/D.O./14/2021 dated 02.06.2021, passed



by the second respondent is set aside. The detenu, viz., Saminathan, son of Pannerselvam, aged 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate
of Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore District, Cuddalore-1.
4. The Superintendent,
Central Prison,
Cuddalore-4.
5. The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore-2.
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.1504 of 2021

MG(CO)
PM/14/03/2022