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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM

THE HONOURABLE MR. JUSTICE PARESH UPADHYAY
AND
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.No.2149 of 2021

Kala

..Petitioner

Vs.

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

2. The District Collector and District Magistrate,
Collector's Office,
Ranipet District, Ranipet.

3. The Superintendent of Prison,
Central Prison, Vellore.

4. The Superintendent of Police,
Ranipet, Ranipet District.

5. The Inspector of Police,
Banavaram Police Station,
Ranipet District.

(Crime No.223/2021)

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the petitioner's son detention order dated 04.12.2021 on the file of the second respondent herein made in proceedings Memo B3/D.O.NO.84/2021, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son viz., Subash @ Subash Chandira Bose, aged 26 years, S/o.Selvam, before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at the Central Prison, Vellore.

For Petitioner : Mr.G.P.Sivakumar

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



ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the mother of the detenu Subash @ Subash Chandira Bose, aged 26 years, S/o.Selvam. The detenu has been detained by the second respondent by his order in B3/D.O.NO.84/2021 dated 04.12.2021, 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 on the ground that the remand extension order has not been properly 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.92 of the booklet, it is clear that the remand extension order has not been properly 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 B3/D.O.NO.84/2021 dated 04.12.2021, passed by the second respondent is set aside. The detenu, viz., Subash @ Subash Chandira Bose, aged 26 years, S/o.Selvam, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd/30



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Collector's Office,
Ranipet District, Ranipet.
3. The Superintendent of Prison,
Central Prison,
Vellore.
4. The Superintendent of Police,
Ranipet, Ranipet District.
5. The Inspector of Police,
Banavaram Police Station,
Ranipet 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.2149 of 2021

AJB(CO)
RGA(08/07/2022)