

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.06.2015

Coram:

THE HON'BLE DR.JUSTICE S.TAMILVANAN

and

THE HON'BLE MR.JUSTICE C.T.SELVAM

H.C.P.No.105/2015

Hari @ Haridoss

... Petitioner/
Detenue

-vs-

1.The Secretary to Government
Government of Tamil Nadu
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009.

2.The Commissioner of Police
Chennai City, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus, calling for the records of detention order made in No.1495/2014 dated 13.10.2014 passed by the Commissioner of police, Chennai City, Chennai, the 2nd respondent herein against the petitioner/detenue Thiru Hari @ Haridoss, son of Selvam, aged about 30 years, who is now confined at Central Prison, Puzhal, Chennai and set aside the same and produce him before this Court and set him at liberty.

For petitioner : Mr.D.Devaraj

For Respondents: Mr.M.Maharaja
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by S.TAMILVANAN,J.)

The petitioner is the detenu herein. The detenu has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under the order of the second respondent passed in No.1495/2014 dated 13.10.2014.

2.Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he mainly focused his arguments on the ground that there is variation in translation in the Grounds of Detention, which has deprived the detenu in making effective representation to the authorities concerned and therefore, on this sole ground, the detention order is liable to be quashed.

3.We have heard the learned Additional Public Prosecutor on the above submission.

4.A careful scrutiny of the Grounds of Detention, both the English version and the Tamil Version, would reveal some defects in translation. The English version of the line Nos.1 and 2 in page No.6 of the Grounds of Detention reads thus:

"....Magistrate Court, Saidapet, Chennai in CMP Nos.2650/2014, 2651/2014, 2648/2014 and 2647/2014 in E1 Mylapore Police Station"

But the Vernacular version of the above lines in the grounds of detention in page No.6, in particular, line Nos.5 and 6, reads thus:

".....18வது பெருநகரக் குற்றவியல் நடுவர் நீதிமன்றத்தின் முன்பாக குற்றப் பல்வகை மனு எண்கள் 2650/2014, 2651/2014, 2648/2014, 2657/2014, 2649/2014 ஆகியவற்றில்....."

5.On verification of the English and Tamil version of the Grounds of Detention, it is seen that there is contradiction in translation. In the Tamil version, it is stated that the bail application filed in respect of the 5th adverse case is "Cr1.MP.No.2657/2014" whereas in the English version, it is stated that the bail application filed in respect of the said 5th adverse case is "Cr1.MP.No.2647/2014". Thus, when there is discrepancy between English and Tamil versions, the opportunity of making effective representation upon knowledge of the factual situation stands denied to the detenu and the same, which amounts to infringement of right ensured under Article 22(5) of the Constitution of India, would vitiate the order of detention.

6.For the aforesaid reason, the impugned detention order passed by the second respondent is quashed and the Habeas Corpus Petition is allowed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To :

1.The Secretary to Government
Government of Tamil Nadu
Home, Prohibition & Excise Department
Secretariat, Chennai 600 009.

2.The Commissioner of Police
Chennai City, Chennai.

3.The Superintendent of Central Prison
Puzhal, Chennai.

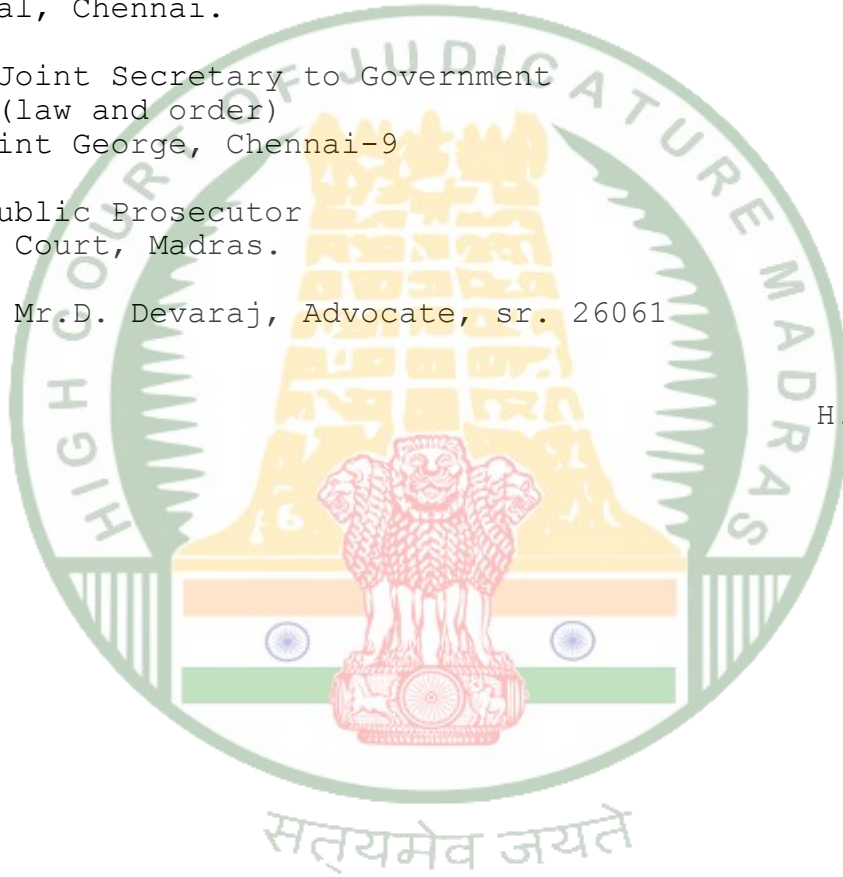
4. The Joint Secretary to Government
Public (law and order)
Fort Saint George, Chennai-9

5.The Public Prosecutor
High Court, Madras.

1 cc to Mr.D. Devaraj, Advocate, sr. 26061

H.C.P.No.105/2015

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