

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

CORAM

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR. JUSTICE C.T.SELVAM

H.C.P.No.1238 of 2015

M.Zubaitha
W/o.Amanullah

...Petitioner/
Sister of detenu

Vs.

1. The State of Tamilnadu
represented by its
Secretary to Government
Home, Prohibition & Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Chennai Police,
Chennai - 600 008.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the entire records leading to the detention of petitioner's brother Jaheer Hussain S/o.Mohammed Ali, Male, Aged about 31 years is presently detained at Central Prison II, Puzhal, Chennai and has been detained under Act 14/82 as a "Goonda" vide detention order dated 17.04.2015 on the file of the second respondent herein, made in No.326/2015, quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal II, Chennai.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.M.Maharaja,APP

O R D E R
[Order of the Court was made by S.TAMILVANAN, J.]

Petitioner is the sister of the detenu, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under order of the second respondent passed in No.326/2015 dated 17.04.2015.

2. The detenu came to adverse notice in the following cases:-

Sr.No	Police Station and Crime No.	Sections of Law
1.	N.3, Muthialpet Police Station, Crime No.639 of 2014	379 IPC
2.	N.3 Muthialpet Police Station, Crime No.667 of 2014	379 IPC
3.	N.3 Muthialpet Police Station, Crime No.776 of 2014	379 IPC
4.	H.1 Washermenpet Police Station, Crime No.703/2015	379 IPC
5.	N.1 Royapuram Police Station, Crime No.422/2015	379 IPC

The alleged ground case has been registered against the detenu by the Inspector of Police, Crime, D.6, Anna Square Police Station in Crime No.598 of 2015 for the offence under Sections 341, 294(b), 323, 336, 397 and 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Learned counsel for the petitioner points out the discrepancy between English and Tamil version in respect of the remand order of the detenu dated 19.03.2015 furnished in the booklet and informs that the same has adversely affected his right of making an effective representation.

4. We have heard learned Additional Public Prosecutor on the above submissions.

5. When there is a variation between English and Tamil version in respect of the remand order, opportunity of clear understanding and making effective representation under Article 22(5) of the Constitution of India, on such understanding is lost and the detenu

is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Home, Prohibition & Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Chennai Police,
Chennai - 600 008.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent of Central Prison
Puzhal II, Chennai.
5. The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.

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MSM (CO)
PSI (14.09.2015)