

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM

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

Habeas Corpus Petition No.1337 of 2015

M.Nalini
W/o.Mahalingam

...Petitioner/
Mother of the detainee

-vs-

1. The State of Tamil Nadu,
represented by its
Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Chennai City Police,
Commissioner Office,
Egmore, Chennai - 600 008.
3. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.

...Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a writ of Habeas Corpus calling for the records relating to the impugned order in BCDFGISSSV No.385/2015 dated 09.05.2015 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the detenu Anand, S/o.Mahalingam, aged about 22 years, now confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

O R D E R

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

Petitioner is the mother 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 BCDFGISSSV No.385/2015 dated 09.05.2015.

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

Sr.No.	Police Station and Crime No.	Sections of Law
1.	H6 R.K.Nagar Police Station, Crime No.558 of 2014	147, 148, 341, 323, 324, 384, 307 & 506(ii) IPC
2.	H6 R.K.Nagar Police Station, Crime No.575 of 2014	147, 148, 341, 323, 324, 384, 307 & 506(ii) IPC
3.	H6 R.K.Nagar Police Station, Crime No.1215 of 2014	147, 148, 341, 294(b), 307 & 506(ii) IPC
4.	N2 Kasimedu Police Station, Crime No.611 of 2015	341, 323, 336, 397, 427 & 506(ii) IPC

The alleged ground case has been registered against the detenu on 13.04.2015, by the Inspector of Police, Crime N4 Fishing Harbour Police Station, in Crime No.668 of 2015 for offences under Sections 341, 397, 336, 427 & 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Learned counsel for petitioner points out the discrepancy between English and Tamil version of the remand order passed against the detenu by learned XVI Metropolitan Magistrate, George Town, Chennai, on 24.04.2015. The above discrepancy has caused confusion in the mind of the detenu and precluded him from 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 relating to remand of the detenu, opportunity of clear understanding and making effective representation, 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.

6. Accordingly, the impugned detention order passed by second respondent, detaining the detenu, namely, Anand, S/o.Mahalingam, made in BCDFGISSSV No.385/2015 dated 09.05.2015, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Chennai City Police,
Commissioner Office,
Egmore, Chennai - 600 008.
3. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
4. The Superintendent of Central Prison,
Puzhal, Chennai.
5. The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.
6. The Public Prosecutor
High Court, Chennai.

H.C.P.No.1337 of 2015

VGI (CO)
PSI (29.09.2015)