

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Habeas Corpus Petition No.1443 of 2015

Ammu alias Victoriya

... Petitioner

-vs-

1. The Government of Tamil Nadu,
represented by its Secretary,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2. The District Collector and District Magistrate,
Kancheepuram.

... 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 proceedings of the second respondent in BCDFGISSSV No.50/2015 dated 27.05.2015 against petitioner's son Saga @ Sakathivel S/o.Anbazhagan aged 25 years and quash the same and consequently direct the respondents herein to produce the detainee who is detained under the Tamil Nadu Act 14 of 1982 currently confined in Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.P.Anbazhagan

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.50/2015 dated 27.05.2015.

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

Sr.No.	Police Station and Crime No.	Sections of Law
1.	Somangalam Police Station, Crime No.150 of 2015	147, 148, 341, 302 IPC

The alleged ground case has been registered against the detenu by the Sub-Inspector of Police, Somangalam Police Station, in Crime No.168 of 2015 for offences under Sections 294(b), 386, 307, 506 (ii) IPC and 3(i) of Tamil Nadu Property (Prevention of Damages and Loss) Act, 1992. 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 report passed against the detenu. 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 report 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, Saga @ Sakthivel, S/o.Anbazhagan, made in BCDFGISSSV No.50/2015 dated 27.05.2015, 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

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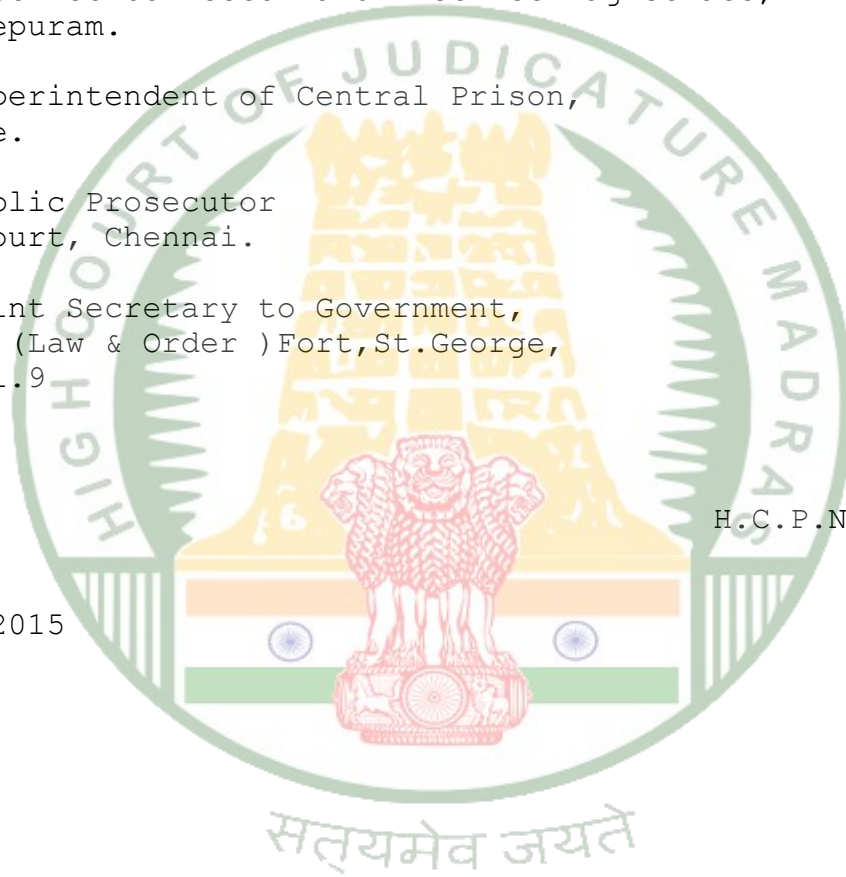
Sub Assistant Registrar

To

1. The Government of Tamil Nadu,
represented by its Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Kancheepuram.
3. The Superintendent of Central Prison,
Vellore.
4. The Public Prosecutor
High Court, Chennai.
5. The Joint Secretary to Government,
Public (Law & Order) Fort, St. George,
Chennai.9

RSK (co)
cp 06/10/2015

H.C.P.No.1443 of 2015



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