

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2015

CORAM

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

H.C.P.No.1524 of 2015

Madeswari

..

Petitioner

vs.

1.The State of Tamil Nadu
represented by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The District Magistrate and District Collector,
Namakkal District, Namakkal. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to produce the body of the detenu namely Karthik, aged 25 years, S/o.Balakrishnan, now detenu at Central Prison at Salem, before this Court and set him at liberty forthwith, by calling for the records pertaining to the detention order dated 27.05.2015 made in C.M.P.No.35/Goonda/2015/M1 passed by the second respondent, quash the same.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

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O R D E R

[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 orders of second respondent passed in C.M.P.No.35/Goonda/2015/M1 dated 27.05.2015.

2. As per the grounds of detention dated 27.05.2015, passed by second respondent, the detenu came to adverse notice in the following case:

S1 No.	Name of the Police station and Crime No.	Section of law
1	Komarapalayam Police Station Crime No.104 of 2015	394 @ 395 r/w. 397 IPC

The alleged ground case has been registered against the detenu by the Komarapalayam Police Station, in Crime No.16 of 2015 for offences under Sections 395 r/w. 397 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Learned counsel for the petitioner submitted that the detaining authority has informed a real possibility of the detenu coming out on bail since in a similar case registered at Central Crime Branch in Crime No.16 of 2014 for offences u/s.392 IPC, bail was granted to the accused by the learned Principal District Sessions Judge, Namakkal, in C.M.P.No.777 of 2014. However, in the booklet furnished to the detenu, only the English version of the order in similar case has been enclosed, the Tamil version is not available. This precluded the detenu from making an effective representation.

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

5. Non-furnishing of tamil version of the order in similar case relied on by the detaining authority, would deprive the detenu from making effective representation. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

Accordingly, the impugned detention order passed by second respondent, detaining the detenu, namely, Karthik, S/o.Balakrishnan, aged 25 years, made in C.M.P.No.35/Goonda/2015/M1 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/-
Asst.Registrar

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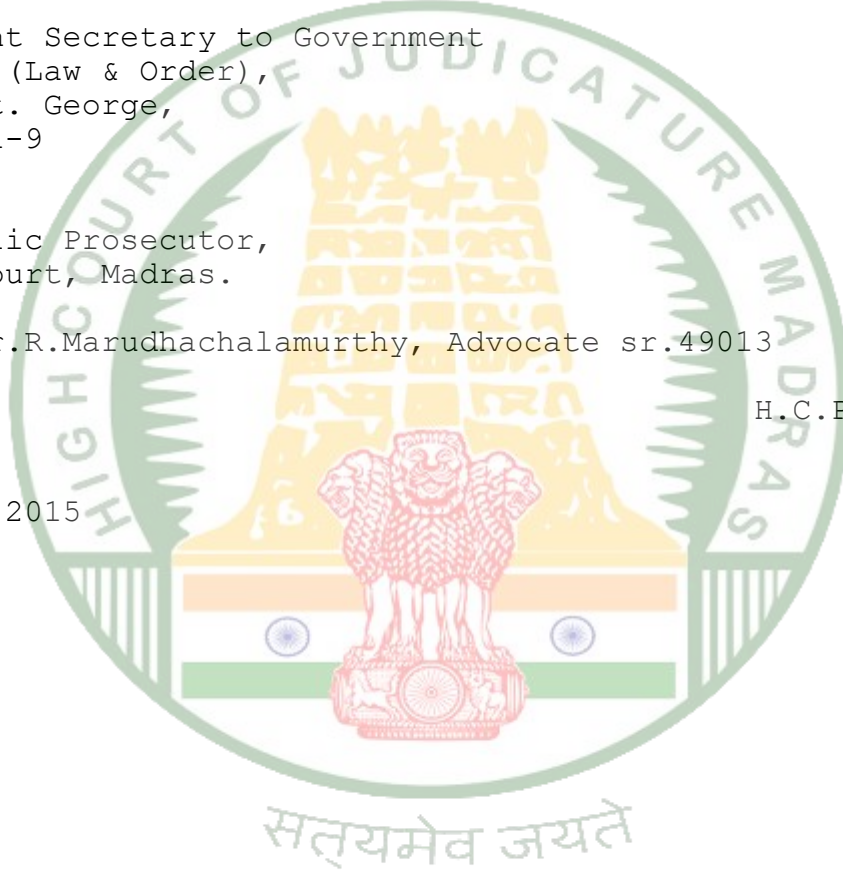
Sub Asst. Registrar

To

- 1.The State of Tamil Nadu
represented by its Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
 - 2.The District Magistrate and District Collector,
Namakkal District, Namakkal.
 - 3.The Superintendent of Central Prison,
Salem.
 - 4.The Joint Secretary to Government
Public (Law & Order),
Fort st. George,
Chennai-9
 - 5.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.R.Marudhachalamurthy, Advocate sr.49013

H.C.P.No.1524 of 2015

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