

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2015

CORAM

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

H.C.P.No.1547 of 2015

M.Thambidurai

.. Petitioner

Vs.

1.The State of Tamilnadu
represented by its Secretary
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.

2.The District Magistrate and
District Collector,
Kanchipuram District,
Kanchipuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus calling for the records in relating to the detention order dated 25.04.2015 bearing BCDFGISSSV No.39/2015 on the file of the second respondent and set aside the same and to produce the petitioner's son T.Illavarasan, S/o.Thambidurai, now confined in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.K.Govindaraj

For Respondents : Mr.M.Maharaja,APP

O R D E R

[Order of the Court was made by S.TAMILVANAN, J.]

Petitioner is the father 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.39/2015 dated 25.04.2015.

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

Sr.No.	Police Station and Crime No.	Sections of Law
1.	Kanchi Taluk Police Station, Crime No.749/2011	147, 148, 449, 302, 404, 149 IPC r/w. 120(b) IPC
2.	Kanchi Taluk Police Station, Crime No.413/2013	341, 323, 324, 506(i) IPC

The alleged ground case has been registered against the detenu by the Inspector of Police, Vishnu Kanchi Police Station, in Crime No.461 of 2015 for offences under Sections 294(b), 352, 392, 427, 307 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 similar case referred to by the Detaining Authority in Crl.OP.No.22959 of 2014, furnished in the booklet to arrive at the subjective satisfaction that the detenu would be released on lbail 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 the bail order in respect of the similar case referred to by the Detaining Authority, 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

//True Copy//

Sub Assistant Registrar

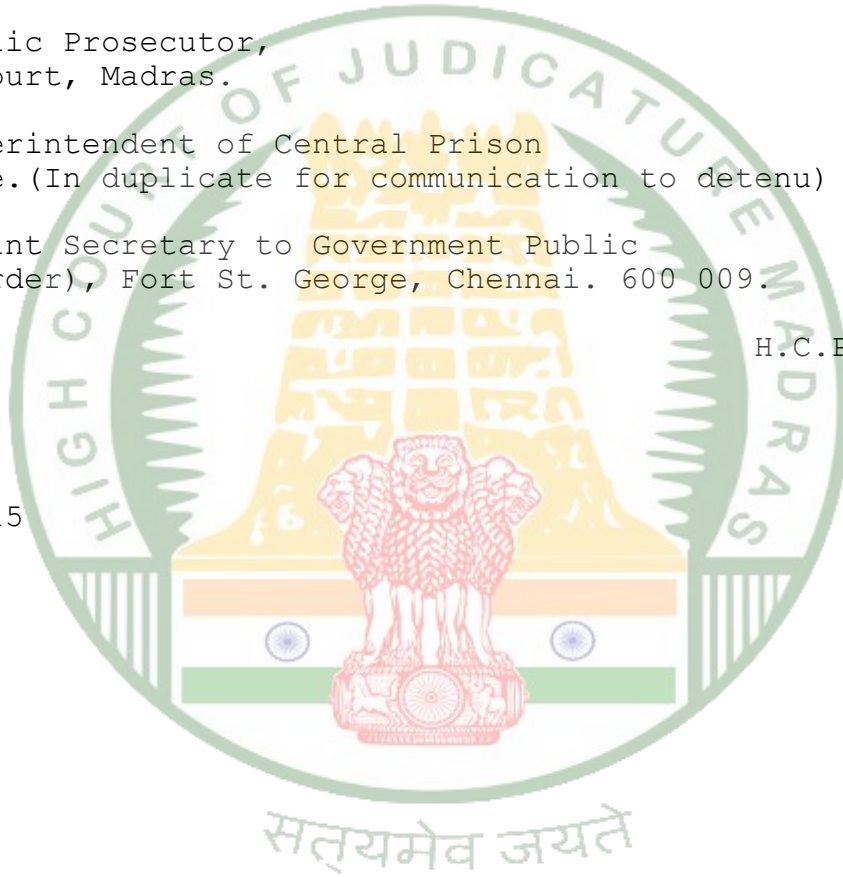
cse

To

- 1.The State of Tamilnadu
represented by its Secretary
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Kanchipuram District,
Kanchipuram.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent of Central Prison
Vellore.(In duplicate for communication to detenu)
5. The Joint Secretary to Government Public
(Law & order), Fort St. George, Chennai. 600 009.

H.C.P.No.1547 of 2015

TS (CO)
Eu 16.09.15



WEB COPY