

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Habeas Corpus Petition No.1591 of 2015

Jayamani
W/o.Chellaiah

... Petitioner

-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,
K-10, Koyambedu Police Station,
Chennai.

... Respondents

Writ Petition under Article 226 of the Constitution of India filed praying for issuance of a writ of Habeas Corpus to call for the records pertaining to detention order passed by second respondent against the detenu Srirajapandiyan S/o.Chellaiah, Male, aged about 30 years, in Memo No.465/BCDFGISSSV/2015 dated 19.06.2015, quash the same and consequently, to direct the respondents now confined at Central Prison, Puzhal, Chennai to produce the detenu 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 C.T.SELVAM, J.)

Petitioner is the mother of the detenu Srirajapandiyan S/o.Chellaiah, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Memo No.465/BCDFGISSSV/2015 dated 19.06.2015. Such order is under challenge herein.

2. The detenu came to adverse notice in Crime No.433 of 2015 on the file of K-10 Koyambedu Police Station for offences u/s.307 IPC @ 302 IPC and Crime No.581 of 2015 on the file of K-10 Koyambedu Police Station for offences u/s.341, 294(b), 323, 392 and 506(ii) IPC. The ground case has been registered against the detenu in Crime No.583 of 2015 on the file of K-10 Koyambedu Police Station for offences u/s.341,294(b),323,427,336,397 and 506(ii)IPC.

3. Learned counsel for petitioner points out the discrepancy between English and Tamil version in respect of the remand order of the detenu dated 08.06.2015 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 in keeping with 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.

6. This Habeas Corpus Petition is allowed. The detention order passed by second respondent against the detenu Srirajapandiyan S/o.Chellaiah,made in MemoNo.465/BCDFGISSSV/2015dated 19.06.2015,is quashed.The detenu is ordered to be set at liberty forthwith,unless his custody is required in connection with any other case.

The present order is only for the purpose of disposal of this petition and shall not have any bearing upon connected criminal cases pending before the competent Court.

Sd/-

Assistant Registrar(CS III)

//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,
K-10, Koyambedu Police Station,
Chennai.
4. The Public Prosecutor
High Court, Chennai.
5. The Superintendent of Central Prison,
Puzhal, Chennai.
6. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

KM(CO)
CA(14/10/2015)

H.C.P.No.1591 of 2015

सत्यमेव जयते

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