

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.1637 of 2015

Manjula

... Petitioner/Mother of
the detenue

-vs-

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

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

... 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 in connection with the order of detention passed by the second respondent dated 04.05.2015 in D.O.No.47/2015-C3 against the petitioner son Suresh, Male aged 25 years S/o.Murugaiyan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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 C3.D.O.NO.47/2015 dated 04.05.2015.

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

Sr.No.	Police Station and Crime No.	Sections of Law
1.	Gudiyatham Town Police Station, Crime No.240 of 2015	379 IPC
2.	Gudiyatham Town Police Station, Crime No.241 of 2015	379 IPC
3.	Gudiyatham Town Police Station, Crime No.242 of 2015	379 IPC

The alleged ground case has been registered against the detenu by the Sub-Inspector of Police, Gudiyatham Town Police Station, in Crime No.239 of 2015 for offences under Sections 341, 294(b), 392, 427 and 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 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, Suresh, S/o.Murugaiyan, made in C3.D.O.No.47/2015 dated 04.05.2015, 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.

cse

Sd/-
Assistant Registrar (CO)

/True Copy/

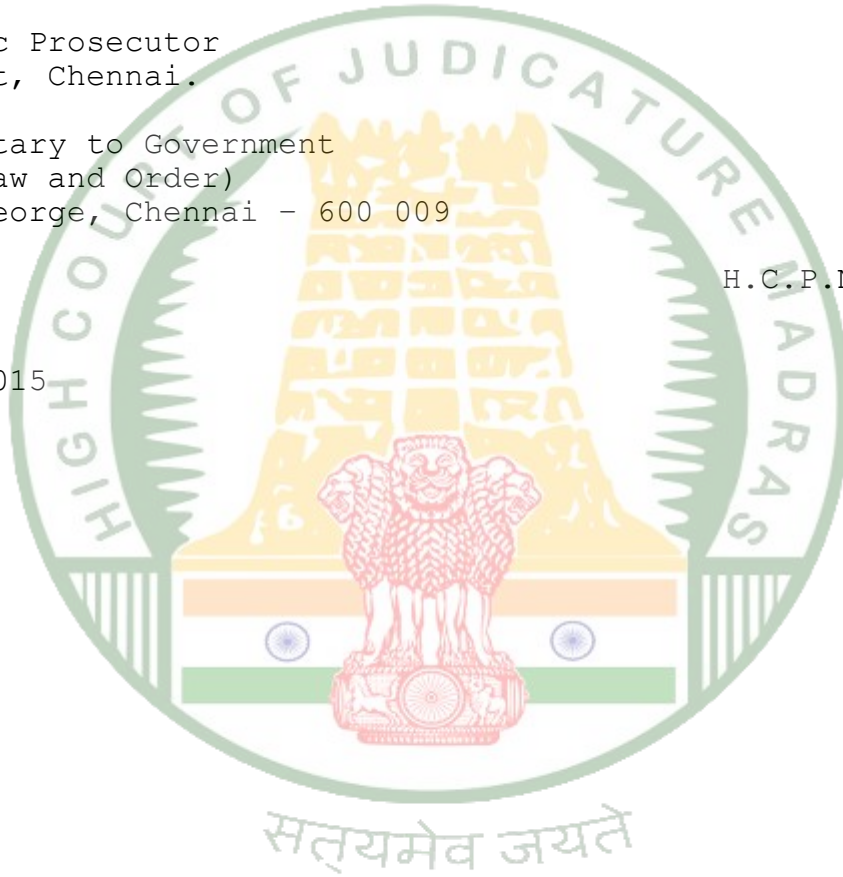
Sub-Assistant Registrar

To

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

H.C.P.No.1637 of 2015

CTK(CO)
sd : 08/10/2015



WEB COPY