

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Habeas Corpus Petition No.1738 of 2015

Vinoth (a) Kurangu Vinoth
S/o.Shankar

... Petitioner

-vs-

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

2. The Commissioner of Police,
Chennai Police,
Vepery, Chennai - 600 007.

... 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 Vinoth (a) Kurangu Vinoth S/o.Shankar, aged about 23 years, in Memo No.496/BCDFGISSSV/2015 dated 22.06.2015, quash the same and consequently, to direct the respondents to produce the detenu, who is at present confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.C.C.Chellappan

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 detenu viz., Vinoth (a) Kurangu Vinoth S/o.Shankar and has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Memo No.496/BCDFGIISSSV/2015 dated 22.06.2015. Such order is under challenge herein.

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

Sl.N o.	Police Station and Crime No.	Section of law
1	G.1 Vepery Police Station, Crime No.1063 of 2014	457 and 380 IPC
2	G.1 Vepery Police Station, Crime No.1064 of 2014	457 and 380 IPC
3	G.5 Secretariat Colony Police Station, Crime No.1596 of 2014	380 IPC
4	G.5 Secretariat Colony Police Station, Crime No.1602 of 2014	457 and 380 IPC
5	G.5 Secretariat Colony Police Station, Crime No.872 of 2015	379 IPC

The ground case has been registered against the detenu in Crime No.1139 of 2015 on the file of G.5 Secretariat Colony Police Station for offences u/s.341, 323, 294(b), 392, 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 10.05.2015 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.

This Habeas Corpus Petition is allowed. The detention order passed by second respondent against the detenu Vinoth (a) Kurangu Vinoth S/o.Shankar, made in Memo No.496/BCDFGISSSV/2015 dated 22.06.2015, is quashed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Chennai Police,
Vepery, Chennai - 600 007.
3. The Public Prosecutor
High Court, Chennai.
4. The Superintendent of Central Prison,
Puzhal, Chennai.
5. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

H.C.P.No.1738 of 2015

MP(CO)
CA(02/11/2015)

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