

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2015

CORAM

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

H.C.P.No.1888 of 2015

Mahendran
S/o.Azhagappan

...Petitioner/
Father of the detenu

Vs.

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

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus to call for the records pertaining to detention order passed by second respondent in C3/D.O/28/2015 dated 23.06.2015 against the detenu Muthu @ Marimuthu, S/o. Mahendran, aged 25 years, quash the same and consequently, direct the respondents to produce the detenu, who is confined at Central Prison, Cuddalore, before this Court and set him at liberty.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

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 orders of second respondent passed in C3/D.O/28/2015 dated 23.06.2015. Such order is under challenge herein.

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

Sl.No .	Name of the Police Station and Crime No.	Section of Law
1	Vridhachalam Police Station, Crime No.613 of 2013	147, 148, 294(b), 323, 326 & 307 IPC r/w 109 IPC
2	Vridhachalam Police Station, Crime No.304 of 2014	392 and 397 IPC
3	Vridhachalam Police Station, Crime No.648 of 2014	399 IPC

The ground case has been registered against the detenu in Crime No.463 of 2015 on the file of Vridhachalam Police Station for offences under Sections 147, 148, 294(b), 506(ii) IPC and 3(1)(r)(s), 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance Act 2014.

3. Learned counsel for the petitioner points out the discrepancy between English and Tamil version in respect of the remand order of the detenu dated 10.06.2015 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 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.

The detention order passed by second respondent, detaining the detenu Muthu @ Marimuthu, aged about 25 years, made in C3/D.O/28/2015 dated 23.06.2015, 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/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Magistrate and District Collector,
Cuddalore District,
Cuddalore.
3. The Superintendent of Central Prison
Cuddalore.
4. The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.
5. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.R.Jayaprakash, Advocate SR.No. 58056

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GR (CO)

PSI (04.11.2015)