

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM

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

H.C.P.No.963 of 2015

Saritha
W/o.Krishnamurthy ... Petitioner/Sister of the detenue

Vs.

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

2.The Commissioner of Police,
Chennai Police,
Vepery, Chennai - 7. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the entire records leading to the detention of petitioner's brother Mohanraj @ Mohan S/o.Durai, Male, Aged about 24 years is presently lodged in Central Prison, Puzhal, Chennai and has been detained under Act 14/82 as a "Goonda" vide detention order dated 10.03.2015 on the file of the second respondent herein, made in Memo No.213/BDFGISSSV/2015, quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal, Chennai.

For Petitioner : Mr.M.Rajavelu
For Respondents : Mr.M.Maharaja,APP

O R D E R

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

Petitioner is the sister 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 No.213/BDFGISSSV/2015 dated 10.03.2015.

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

Sr.No.	Police Station and Crime No.	Sections of Law
1.	K.6 T.P.Chatram Police Station, Crime No.588 of 2014	379 IPC
2.	K.6 T.P.Chatram Police Station, Crime No.118 of 2015	379 IPC
3.	P.2 Otteri Police Station, Crime No.1778 of 2014	457 & 380 IPC

The alleged ground case has been registered against the detenu on 31.01.2015 by the Inspector of Police, Law and Order, G.3 Kilpauk Police Station, in Crime No.247 of 2015 for offences under Sections 341, 294(b), 323, 336, 427, 397 and 506(ii) 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 remand order of the detenu dated 31.01.2015 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.

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

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To

- 1.The Secretary to Government
Home, Prohibition & Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The Commissioner of Police,
Chennai Police,
Vepery, Chennai - 7.
- 3.The Superintendent of Central Prison
Puzhal, Chennai.
- 4.The Joint Secretary to Government
Public (Law & Order)
Fort St.George, Chennai-9
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.963 of 2015

vgi (co)
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