

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.06.2015

Coram:

THE HON'BLE DR.JUSTICE S.TAMILVANAN
and
THE HON'BLE MR.JUSTICE C.T.SELVAM

H.C.P.No.3413/2014

Udaya Kumari

...Petitioner

-vs-

1. The Secretary to Government
of Tamil Nadu, Prohibition &
Excise Department, Fort St.George
Chennai 600 009.
2. The District Collector & District Magistrate
Tiruvallur District, Tiruvallur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus, calling for the records of the detention order made in BDFGISSV No.18/2014 dated 27.11.2014 passed by the District Collector and District Magistrate, Tiruvallur District, Tiruvallur, the 2nd respondent herein, and set aside and direct the respondents to produce the detenu before this Court and set the detenu Thirunavukarasu, son of Loganathan, aged 45 years, now confined at Central Prison, Puzhal, at liberty.

For petitioner : Mr.N.Sudharsan

For Respondents : Mr.M.Maharaja
Addl. Public Prosecutor

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O R D E R
(Order of the Court was made by S.TAMILVANAN,J.)

The petitioner is the wife of the detenu, viz., Tirunavukarasu, son of Loganathan, aged 45 years. The detenu has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under the order of the 2nd respondent passed in BDFGISSV No.18/2014, dated 27.11.2014.

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

Sl.No.	Police Station and Crime No.	Sections of Law
1.	Sevvapet Police Station Cr.No.307/2014	302 IPC @ 147, 148, 341, 302, 120[b] r/w 109 IPC

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he mainly focused his arguments on the ground that there is variation in translation in the Remand Report in respect of the alleged offences, which has deprived the detenu in making effective representation to the authorities concerned and therefore, on this sole ground, the detention order is liable to be quashed.

4. We have heard the learned Additional Public Prosecutor on the above submission.

5. A careful scrutiny of the Remand Report in respect of the ground case in Cr.No.307/2014 furnished in the booklet, both the English version and the Tamil Version, would reveal some defects in translation. On verification of the English and Tamil version of the Remand report annexed in the Booklet furnished to the detenu, it is seen that there is contradiction in translation. In the Tamil version, it is stated that the alleged offences committed by the detenu in the ground case in Cr.No.307/2014 is 147, 148, 341, 302, 120[b] r/w 109 IPC whereas in the English version, it is stated that 147, 148, 341, 302, 120[b] IPC and section 109 IPC is found to be missing. Thus, when there is discrepancy between English and Tamil versions, the opportunity of making effective representation upon knowledge of the factual situation stands denied to the detenu and the same, which amounts to infringement of right ensured under Article 22(5) of the Constitution of India, would vitiate the order of detention.

7. For the aforesaid reason, the impugned detention order passed by the second respondent is quashed and the Habeas Corpus

Petition is allowed. 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-III)

//True Copy//

Sub Assistant Registrar

AP

To

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

H.C.P.No.3413/2014

MSM (CO)
PSI (10.06.2015)

सत्यमेव जयते

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