

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE JUSTICE S.NAGAMUTHU

H.C.P.No.2579 of 2015

M.Kumutharani

.. Petitioner

vs.

1.The Commissioner of Police
Chennai City, Chennai.

2.The Secretary
Government of Tamilnadu
Home, Prohibition & Excise Department
Fort St George, Chennai-9.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Habeas Corpus to call for the records of the detention made in BCDFGISSSV No.783/2015 dated 25.08.2015 passed by the 1st respondent, the Commissioner of Police, Chennai City to set aside the same and direct the respondent to produce the detenu before this Court and set the detenu S.Michelraj, aged about 41, S/o.Sebastin, at liberty who is confined in Central Prison, Puzhal, at Chennai.

For petitioner : Mr.C.M.Gunasekaran for
Mr.D.Anandraj

For Respondents : Mr.A.N.Thambi Durai,
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the wife of detenu herein, viz., S.Michelraj, aged 41 years, son of Sebastin, who has been detained under Act 14 of 1982 as per the detention order of the 1st respondent in BCDFGISSSV No.783/2015 dated 25.08.2015, branding him as a "Goonda". Challenging the said detention order, she has come up before this Court with this Habeas Corpus Petition.

2 We have heard the learned Counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3 Though several grounds have been raised in the present Habeas Corpus Petition, challenging the order of detention, dated 25.08.2015, the learned Counsel appearing on behalf of the petitioner would submit that in the Tamil version of the Grounds of detention, in particular, sub-para [3] to paragraph 3, it is stated that the detenu has got involvement in the cases in Cr.Nos.1914/2015, 1938/2015 and 1976/2015 on the file of J8 Neelangarai Police Station. But, in fact, the detenu has got nothing to do with these three cases. This is contrary to the English version, wherein, in sub-para [3] to paragraph 3, it is stated that the detenu has got involvement in three cases, viz., Cr.Nos.2640/2015 ; 2506/2015 and 2515/2015. As rightly pointed out by the learned counsel for the petitioner, there is variation between the English version and the Tamil version and in the Tamil version, totally three different crime numbers, which have got nothing to do with the detenu, have been mentioned and the Detaining Authority, without noticing the same, has passed the order of Detention in a mechanical fashion. In such view of the matter, we are inclined to quash the Detention Order.

4 Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in BCDFGISSSV No.783/2015 dated 25.08.2015, passed by the 1st respondent is quashed. The detenu, namely, Michelraj, son of Sebastin, aged about 41 years, is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner of Police
Chennai City, Chennai.

2.The Secretary
Government of Tamilnadu
Home, Prohibition & Excise Department
Fort St George, Chennai-9.

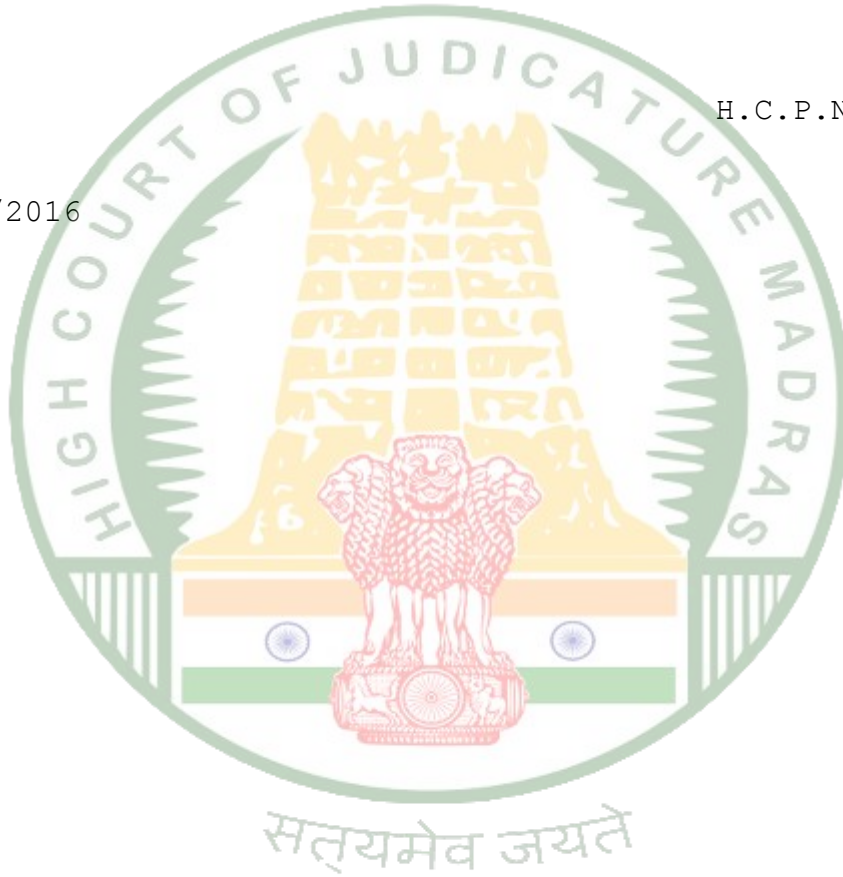
3.The Public Prosecutor,
High Court, Chennai.

4.The Superintendent,
Central Prison,
Puzhal, Chennai.

5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George,
Chennai - 9.

H.C.P.No.2579/2015

gj II
srg 28/04/2016



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