

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.6.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.3220 of 2015

C.Duraisamy

..... Petitioner

Vs

1. The District Magistrate and District Collector,
Perambalur District, Perambalur.

2.The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS calling for the records of the first respondent in C.M.P.No.16/2015 dated 09.08.2015 and set aside the same and direct the 1st respondent to produce, the detenu Sathish son of Duraisamy aged 24 years, now confined in Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.C.D.Johnson
For Respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor

ORDER

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

The petitioner is the father of the detenu, Sathish, who has been detained under Act 14 of 1982 as per the order of the first respondent by his proceedings in Cr.M.P.No.16/2015. Challenging the said detention order, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. Though, several grounds have been raised in this Habeas Corpus Petition, the learned counsel appearing for the petitioner, would mainly focus his argument on the ground that a copy in the vernacular language of the remand order dated 19.3.2015 has not been furnished to the detenu. In our considered view, failure to furnish the said copy, as rightly contended by the learned counsel has deprived the detenu from making any effective representation. In the light of the above fact, we have no hesitation in quashing the order of detention.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 09.08.2015, passed by the first respondent is set aside. The detenu is directed to be released, forthwith, unless, his presence is required in connection with any other case.
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s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The District Magistrate and District Collector,
Perambalur District, Perambalur.

2. The Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.

4. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George, Chennai.

5. The Public Prosecutor,
High Court, Madras.

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