

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1178 of 2016

Ponnammal

.. Petitioner

VS.

1. The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The State of Tamil Nadu,
Rep. by the Commissioner of Police,
Office of Commissioner of Police,
(Goondas Section), Vepery,
Chennai- 600 007.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus calling for the entire records relating to the impugned order of detention passed by the 2nd respondent in memo No.BCDFGISSSV. No.1053/2015 dated 30.09.2015 and set aside the same and consequently, direct the 2nd respondent to produce the detainee M.Murthy aged about 24 years s/o. Mari, petitioner's son now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty forthwith.

For Petitioner	:	Mr.R.Saritha
For Respondent	:	Mr.V.M.R.Rajentren
		Additional Public Prosecutor

ORDER

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

The petitioner is the mother of one Murthy, s/o Mari , who has been detained under Act 14 of 1982 as a "Goonda" as per the order of the Commissioner of Police, Chennai by his proceedings No.BCDFGISSSV No.1053/2015 dated 30.09.2015. Challenging the said detention order, the petitioner is before this Court 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 the petition, the learned counsel for the petitioner focused her arguments only to two grounds. The first one is that many of the pages in the booklet furnished to the accused are illegible.

4. We have gone through the documents obtained. We found truth in the said statement made by the learned counsel.

5. The learned counsel next contended that the translation in the vernacular language has not been made properly. The learned counsel for the petitioner pointed out that though the accused is arrested and produced before the Judicial Magistrate, Tambaram, the translation version shows as if he was produced before the learned Magistrate, Alandur and remanded to judicial custody. The learned counsel would submit that this would show the non application of mind on the part of the Detaining Authority.

6. In our considered view, furnishing illegible copies of the relevant documents to the detenu would cause serious prejudice to him. Apart from that the improper translation of the papers as pointed out by the learned counsel for the petitioner would go to show the non application of mind on the part of the Detaining Authority.

7. In the light of the above fact, we are inclined to set aside the detention order.

8. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 30.09.2015, passed by the second respondent is set aside. The detenu is directed to be released,

**S.NAGAMUTHU, J.
AND
V.BHARATHIDASAN, J.**

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forthwith, unless, his presence is required in connection with any other case.

[S.N.J.] [V.B.D.J.,]
11.08.2016
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Index: Yes/No

To

1. The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.Commissioner of Police,
Office of Commissioner of Police,
(Goondas Section), Vepery,
Chennai- 600 007.

3. The Public Prosecutor,
High Court, Madras.

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