

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.1346 of 2016

Raja

.. Petitioner

Vs

1.The State of Tamil Nadu,
rep by the Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St. George,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Greater, Chennai. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent, dated 2.4.2016, in his office ref.BCDFGISSSV No.388/2016, against the petitioner's son, by name Stalin @ Ranjith Kumar, son of Raja, aged about 26 years, now confined at the Central Prison, Puzhal, Chennai, and to set aside the same and to direct the respondents to produce the above said detenu, before this court and to set him at liberty.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.V.M.R.Rajentran, APP

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

This Habeas Corpus Petition has been filed by the father of the detenu, namely, Stalin @ Ranjith Kumar, aged about 26 years, son of Raja, to issue a Writ of Habeas Corpus, to call for the records, in BCDFGISSSV No.388/2016, dated 2.4.2016, passed by the second respondent, detaining the detenu, under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of

1982), branding him as a "Goonda", in the Central Prison, Puzhal, Chennai, and to quash the same and to direct the Respondents to produce the body of the detenu and to set him at liberty forthwith.

2. We have heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing for the State and we have also perused the records, carefully.

3. The learned counsel appearing for the petitioner contends that there is variation between the English version and the Vernacular version of the remand order, dated 29.3.2016, relating to the second adverse case, in Crime No.677 of 2016, on the file of S-14 Peerankaranai Police Station, which had been furnished to the detenu, as found in page Nos.85 and 87 of the booklet. This has prevented the detenu from making an effective representation against the impugned order of detention. Thus, the detention order is vitiated and the same is liable to be quashed.

4. The said submissions made by the learned counsel appearing on behalf of the petitioner had not been refuted by the learned Additional Public Prosecutor appearing on behalf of the respondents.

5. It is noted from the records available that there is variation between the English version and the vernacular version of the remand order, dated 29.3.2016, relating to Crime No.677 of 2016, on the file of S-14, Peerankaranai Police Station. The translation of the vernacular version of the remand order, as found in page Nos.85 and 87 of the booklet furnished to the detenu, is improper in nature. This has, apparently, caused substantial prejudice to the detenu and it has prevented him from making an effective representation and to take further steps in accordance with law. In such circumstances, we are inclined to set aside the detention order.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 2.4.2016, passed by the second respondent 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

vvk

To

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

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md(08/02/2017)

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