

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2016

CORAM

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

H.C.P.No.1389 of 2016

Bala @ Kombaiah Pandian .. Petitioner
Vs

1. The Government of Tamil Nadu,
rep by the Secretary to Government,
Home, Prohibition and Excise Department,
Chennai-9.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai-600 007. .. 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 No.584/BCDFGISSSV/2016, dated 22.6.2016, on the file of the second respondent and to set aside the detention order, passed against the detenu, Bala @ Kombaiah Pandian, aged about 27 years, detained in the Central Prison, Puzhal, Chennai, in TPDA No.8099 and to direct the respondents to produce the detenu before this Court and to set him at liberty.

For Petitioner : Mr.K.Murugan

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

ORDER

This Habeas Corpus Petition has been filed by the detenu, namely, Bala @ Kombaiah Pandian, aged about 27 years, son of Murugan, to issue a Writ of Habeas Corpus, to call for the records, in No.584/BCDFGISSSV/2016, dated 22.06.2016, 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 in the booklet furnished to the detenu, there is improper translation of the remand order, dated 28.5.2016, in respect of Crime No.383 of 2016, on the file of K-11 CMBT Police Station. A perusal of the page Nos.67 and 69 of the booklet shows that there is improper translation regarding the seizure of the property. Further, there is no proper translation, in respect of the remand extension order, dated 13.6.2016, in respect of the said Crime No.383 of 2016. A perusal of page Nos.70 and 71 of the booklet shows that no proper translation had been carried out. 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 a copy of the remand order, dated 28.5.2016, both English and vernacular versions, relating to Crime No.383 of 2016, on the file of K-11 CMBT Police Station, had been furnished to the detenu, in page Nos.67 and 69 of the booklet supplied to him. A perusal of the same would show that there is improper translation, regarding the seizure of the property. Further, there had been improper translation in the copy of the remand extension order, dated 13.6.2016, relating to the said crime No.383 of 2016, furnished to the detenu, in page Nos.70 and 71. 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 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 22.6.2016, 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.

s/d-
Assistant Registrar

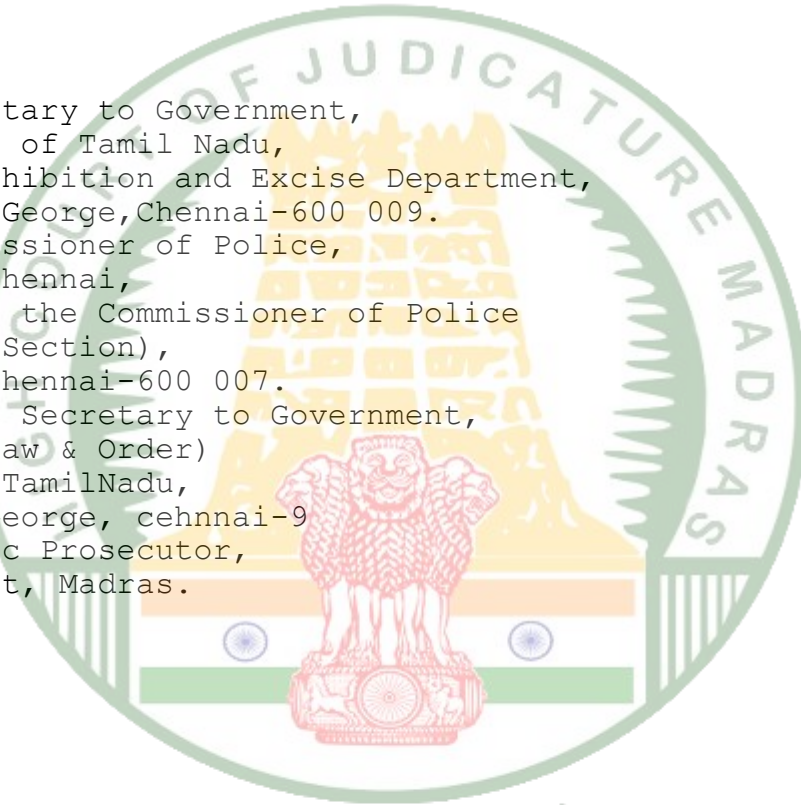
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Sub-Assistant Registrar

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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 Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai-600 007.
3. The Joint Secretary to Government,
Public (Law & Order)
Govt. Of TamilNadu,
Fort.St.George, cehnnai-9
4. The Public Prosecutor,
High Court, Madras.



सत्यमेव जयते H.C.P.No.1389 of 2016

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