

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

and

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No.403 of 2016

Mallika

...Petitioner

vs.

1. The State of Tamil Nadu
Rep.by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai -600 009

2.The Commissioner of Police,
Chennai Police,
Vepery, Chennai -7

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to call for the entire records leading to the detention of the petitioner's Son Sethumadhavan S/o Prakasam M/A 39 years has been detained under Act 14/82 as a "Goonda" vide detention order dated 11.02.2016 on the file of the 2nd respondent herein, made in BCDFGISSSV/103/2016 quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal at Chennai.

For Petitioner : Mr.M.Rajavelu

For Respondents : Mr.M.Maharaja

Addl. Public Prosecutor

O R D E R

[Order of the Court was made by G.CHOCKALINGAM, J.]

Challenge is made to the order of detention passed by the second respondent vide Proceedings No.103/BCDFGISSSV/2016 dated 11.02.2016, whereby, son of the petitioner, by name, Sethumadhavan, aged 39 years, son of Prakasam, was branded as a

"Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamilnadu Act 14 of 1982].

2. Though many grounds have been raised in the petition, Mr.M.Rajavelu, the learned counsel appearing for the petitioner mainly focused his arguments on the ground that certain pages of the translated bail order have been omitted in the Booklet furnished to the detenu, which has deprived him in making effective representation to the authorities concerned and therefore, on this sole ground, the detention order is liable to be quashed.

3. We have heard the learned Additional Public Prosecutor on the above submission.

4. A careful scrutiny of the Booklet produced before us would reveal that translated version of certain pages and contents of the bail order viz., Pages 134 to 136 were omitted. On verification of the English and Tamil version of the Bail Order annexed in the Booklet furnished to the detenu, it is seen that there is contradiction in translation. Thus, when there is discrepancy between English and Tamil versions, the opportunity of making effective representation upon knowledge of the factual situation stands denied to the detenu and the same amounts to infringement of right ensured under Article 22(5) of the Constitution of India, which would vitiate the order of detention.

5. For the aforesaid reason, the impugned detention order passed by the second respondent is quashed and the Habeas Corpus Petition is allowed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

सत्यमेव जयते

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

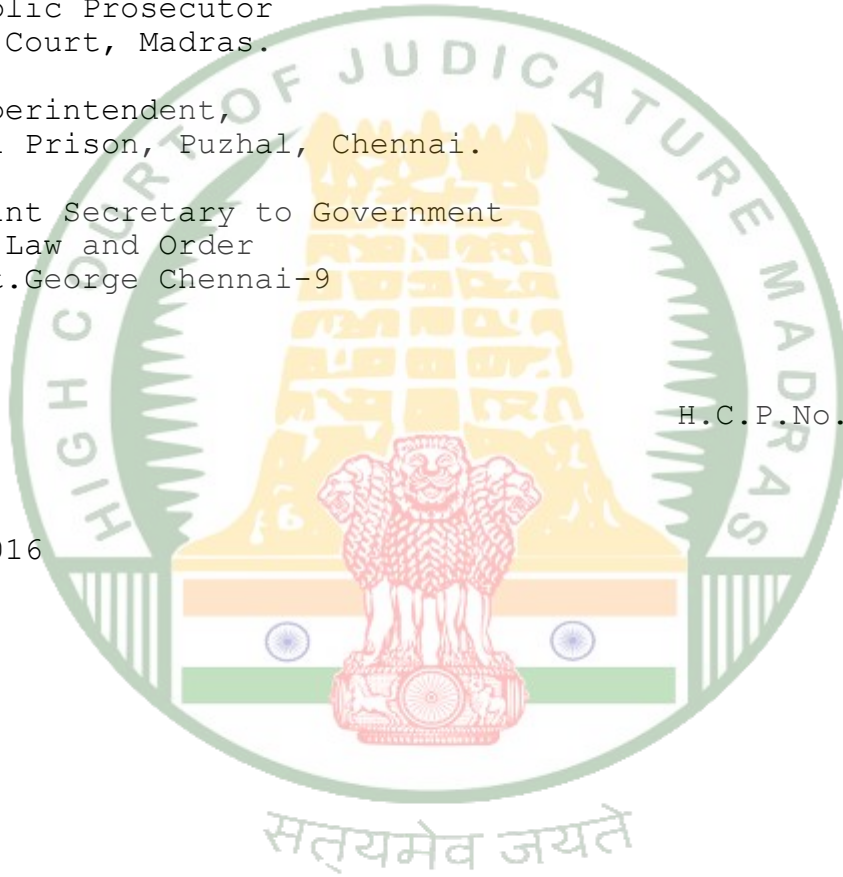
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To

- 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 Police,
Vepery, Chennai -7
3. The Public Prosecutor
High Court, Madras.
4. The Superintendent,
Central Prison, Puzhal, Chennai.
5. The Joint Secretary to Government
Public Law and Order
Fort St.George Chennai-9

H.C.P.No.403 of 2016

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