

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.2169 of 2016

K.Ravi

...Petitioner

Vs

1. State of Tamil Nadu,
Rep. By the Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009

2. The Commissioner of Police,
Salem City,
Salem.

....Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 14.09.2016 in C.M.P.No /72 / Goonda /Salem City/2016 against the petitioner's brother, detenu 5 Paise Anand @ Anand @ Vijay @ Vijay Anand, male, aged 40, S/o Kannan, who is confined at Central Prison, Salem and to set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : M/s.S.Rajanikanth
For respondents : Mr.V.M.R. Rajentren,
Addl. Public Prosecutor

ORDER

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

Challenging the Detention Order passed by the second respondent in C.M.P.No/72/ Goonda/ Salem City/ 2016 dated 14.09.2016, detaining 5 Paise Anand @ Anand @ Vijay @ Vijay Anand, male, aged 40, S/o Kannan, the petitioner has come up with this Habeas Corpus Petition.

2.The learned counsel for the petitioner submitted that in the booklet submitted to the detenu, some of the material documents upon which, reliance was made by the detaining authority has not been duly translated in Tamil; as the only language known by the detenu to read and write is Tamil. Thus, non-furnishing of translated copies in Tamil, deprived the detenu of making effective representation to the authority against the order of Detention.

3. We find force in the said argument. In fact, many of the documents, more particularly, the documents mentioned in Page

Nos.19 & 136 have not been translated in Tamil. In our considered view, this would cause serious prejudice to the detenu, in making effective representation before the detaining authority. Therefore, we are inclined to quash the detention order.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 14.09.2016, passed by the second respondent is quashed. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

(S.N.J.,) (A.S.M.J.,)
27-04-2017

Speaking Order/ Non-Speaking Order

Index : Yes/no

Internet : Yes/no

jbm/sts

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009
2. The Commissioner of Police,
Salem City,
Salem.
3. The Public Prosecutor, High Court, Chennai.

S.NAGAMUTHU,J.
And
DR.ANITA SUMANTH,J.,

jbm/sts

Order in
H.C.P.No.2169 of 2016

27-04-2017