



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No.689 of 2017

Sathnam Singh

... Petitioner

-vs-

- 1.State of Tamil Nadu, rep. by its
The Principal Secretary to Government,
Home, Prohibition & Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruchirappalli District,
Trichy.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the 2nd Respondent in Cr.M.P.No.08/2017 dated 12.04.2017 and to quash the same and to direct the Respondents to produce the body or person of the Detenu, namely, Sathnam Singh S/o. Mahinder Singh, aged about 62 years, (now detained at Central Prison, Tiruchirappalli) before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.K.Gandhi Kumar

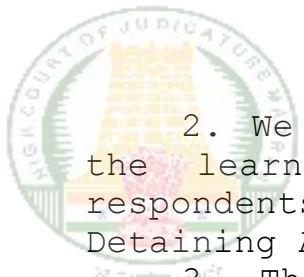
For Respondents : Mr.C.Ramesh

Additional Public Prosecutor

O R D E R

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

The petitioner is the brother of the detenu, namely, Sathnam Singh, son of Mahinder Singh, aged about 62, who has been detained by the second respondent by his order in Cr.M.P.No.08/2017 dated 12.04.2017, holding him to be a "Boot-legger", as contemplated under Section 2(b) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though several grounds have been raised in the Habeas Corpus Petition, the learned counsel appearing for the petitioner would mainly focus his argument on the ground that admittedly the language known to the petitioner is Hindi, however, the detention order and other relied on documents were not furnished to them in Hindi. It caused prejudice to him and thereby preventing him from making an effective representation for the revocation of the detention order. Hence, the impugned order is liable to be set aside.

4. Per contra, the learned Additional Public Prosecutor while reiterating the averments in the counter affidavit would submit that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner.

5. A perusal of the booklet would disclose that the translated version of detention order and the relied on documents have not been furnished to the detenu and consequently, the detenu has been put to prejudice and he is deprived of making an effective representation for revocation of the order of detention. Hence, on the said ground, the order of detention is vitiated and liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.08/2017, dated 12.04.2017, passed by the second respondent is set aside. The detenu, namely, Sathnam Singh, son of Mahinder Singh, aged about 62 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Principal Secretary to Government,
State of Tamil Nadu, Home, Prohibition & Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruchirappalli District, Trichy.
- 3.The Superintendent, Central Prison, Tiruchirappalli.
- 4.The Joint Secretary to Government,
Public (Law and Order), Fort Saint George, Chennai-9
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Sj

<https://hcservices.courtsofmadras.org/28/9/2017>

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