

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 1584 of 2019

Dhanalakshmi ... Petitioner/Mother of detainee

-vs-

- 1.The State of Tamilnadu
Rep. by its Addl. Chief Secretary to Government,
Prohibition and Excise Department, (Home)
Fort St.George, Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records pertaining to the detainee's detention order passed by the second respondent in proceedings dated 12.06.2019 in No.332/BCDFGISSSV/2019 and set aside the same and produce the detainee Jothi, female, aged about 35 years, wife of Mr.Vel, before this Court now confined in Special Prison for Women, Puzhal, Chennai, and set her at liberty.

For Petitioner : Mr.S.B.Suresh Kumar

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

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ORDER

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

The petitioner is the mother of the detainee, Jothi, wife of Vel, female, aged about 35 years. The detainee has been detained by the second respondent by his order in in No.332/BCDFGISSSV/2019, dated 12.06.2019 holding to be a "Drug Offender", as contemplated under Section 2(e) 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 appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detainee, has not furnished the legible copy of the document relied on by him and the remand order has not been properly translated in vernacular language. This deprived the detainee from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page No.179 of the booklet, it is clear that the detaining authority, by providing illegible copy of the document, has taken away the rights of detainee to effectively defend himself against his detention. Apart from that, the remand order has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.332/BCDFGISSSV/2019, dated 12.06.2019 passed by the second respondent is set aside. The detainee, namely, Jothi, wife of Vel, female, aged about 35 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Addl. Chief Secretary to Government,
Prohibition and Excise Department, (Home)
Fort St. George, Chennai - 9.

2.The Joint Secretary to Government,
Public (Law and Order),
Fort.st.George, Chennai-9.

3.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.

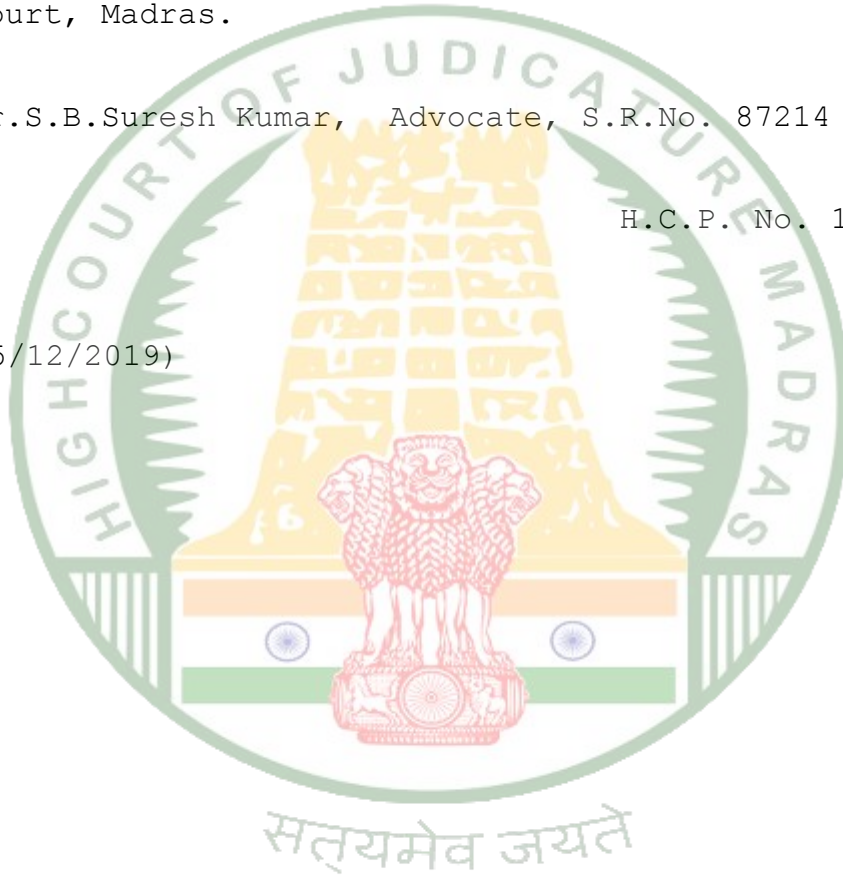
4.The Superintendent,
Special Prison for Women,Puzhal, Chennai.

5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.B.Suresh Kumar, Advocate, S.R.No. 87214

H.C.P. No. 1584 of 2019

MR(CO)
GN(05/12/2019)



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