

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. 1573 of 2019

Suguna

.... Petitioner

-vs-

1.The State of Tamil Nadu
Rep. by its Addl. Chief Secretary to Govt,
Prohibition and Excise Department(Home),
Fort St.George, Chennai - 9.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records pertaining to th detenu's detention order passed by the second respondent in proceedings dated 12.06.2019 in No.319/BCDFGISSSV/2019 and set aside the same and direct the respondents to produce the detenu Krishnakumar, male, aged about 31, son of Sakthivel, before this Court, now confined in Central Prison, Puzhal, and set him at liberty.

For Petitioner : Mr.S.B.Suresh Kumar

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

ORDER

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

The petitioner is the mother of the detenu, Krishnakumar, son of Sakthivel, male, aged about 31 years. The detenu has been detained by the second respondent by his order in No.319/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 detenu, 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 detenu 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 detenu 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.319/BCDFGISSSV/2019, dated 12.06.2019 passed by the second respondent is set aside. The detenu, namely, Krishnakumar, son of Sakthivel, male, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

सत्यमेव जयते

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(M.M.S.,J.) (T.K.R.,J.)
18.10.2019

Index : Yes / No
mmi/ssm

To

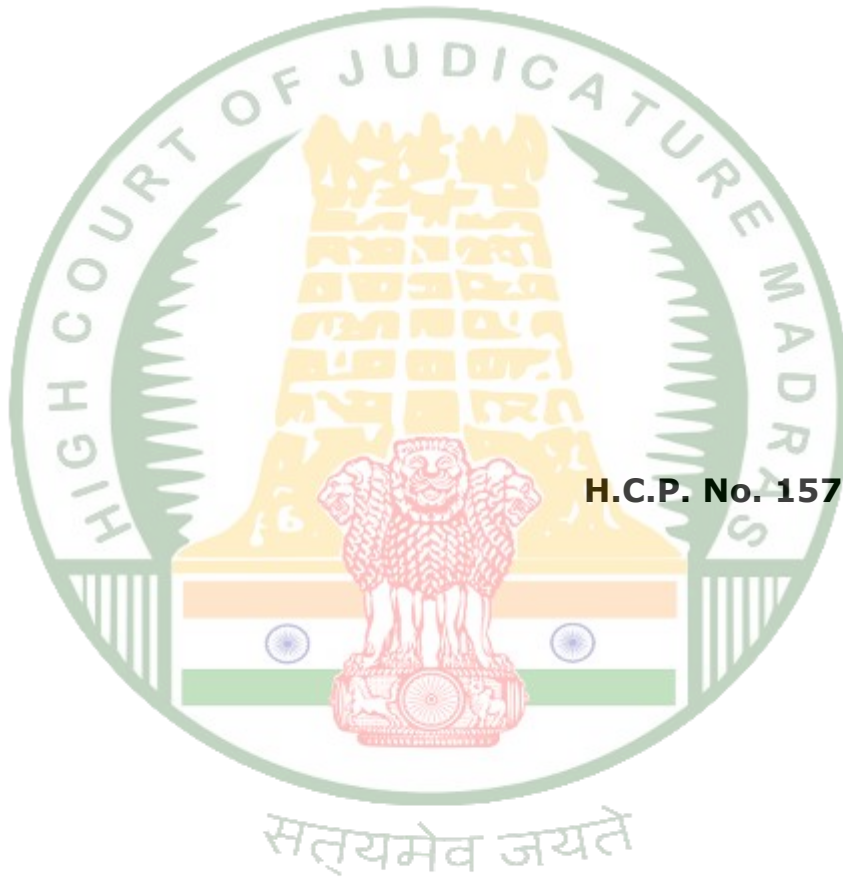
- 1.The Addl. Chief Secretary to Govt,
Prohibition and Excise Department(Home),
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- 2.The Commissioner of Police,
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Vepery, Chennai – 600 007.
- 3.The Superintendent,
Central Prison,Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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**M.M.SUNDRESH, J.
and
RMT. TEEKAA RAMAN, J.**

mmi



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