

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2019

Coram

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

H.C.P. No. 1567 of 2019

Sesharam @ Ganesan

... Petitioner

-vs-

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The Commissioner of Police,
Greater Chennai Police,
Office of Commissioner of Police,
(Goondas Section),
Vepery, Chennai - 7.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent in order No.348/BCDFGISSSV/2019 dated 22.06.2019 set aside the same, direct to produce the detenu Sesharam @ Ganesan, S/o. Pukraj, aged about 43 years and detained at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.R.Ganesh Kumar

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

ORDER

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

The petitioner, Sesharam @ Ganesan, S/o. Pukraj, aged about 43 years, is the detenu. The detenu has been detained by the second respondent by his order in No.348/BCDFGISSSV/2019 dated 22.06.2019, 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. We have also perused the records produced by the Detaining Authority.

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 remand extension 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, it is clear that the remand extension 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 Memo No.348/BCDFGISSSV/2019 dated 22.06.2019, passed by the second respondent is set aside. The detenu, namely, Sesharam @ Ganesan, S/o. Pukraj, aged about 43 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
2. The Commissioner of Police,
Greater Chennai Police,
Office of Commissioner of Police,
(Goondas Section),
Vepery, Chennai - 7.
3. The Superintendent,
Central Prison, Puzhal, Chennai.

4. The Joint Secretary to Government,
Public (law & Order),
Fort Saint George, Chennai 9

5. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Ganesh Kumar, Advocate, S.R.No. 86696

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GN(02/12/2019)



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