

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

Coram

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

H.C.P. No. 1605 of 2019

A.Amankhan

... Petitioner

-vs-

- 1.State Rep. by The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector and District Magistrate,
Thiruvannamalai,
Thiruvannamalai District. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records in D.O.No.60/2019-C2, dated 15.07.2019 and set aside the same and direct the respondents to produce the detenu Tmt. Shanthi, wife of Karthi, 27 years, who is now detained in Special Prison for Women, Vellore before this Court and set her at liberty.

सत्यमेव जयते

For Petitioner : Mr.S.Swamidoss Manokaan

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 brother of the detenu, Shanthi, W/o. Karthi, female, aged 27 years. The detenu has been detained by the second respondent by his order in D.O.No.60/2019-C2, dated 15.07.2019, branding her as a "Bootlegger" as contemplated under Section 2(b) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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 Nos.53 and 54 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 D.O.No.60/2019-C2, dated 15.07.2019 passed by the second respondent is set aside. The detenu, namely, Shanthi, W/o. Karthi, female, aged 27 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector and District Magistrate,
Thiruvannamalai,
Thiruvannamalai District.
- 3.The Superintendent,
Special Prison for Women, Vellore.
- 4.The Joint Secretary to Government, Public (Law and order)
Fort.St.George, Chennai 9.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P. No.1605 of 2019

A.SK(07/11/2019)



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