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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

Coram

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

H.C.P. No. 1964 of 2019

Vasuki

... Petitioner

-vs-

1.The State of Tamilnadu,
Rep. By its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling upon the production of the records relating to the detention order dated 22.08.2019 made in detention order Memo No.BCDFGISSSV/521/2019 passed by the second respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's son Parthiban, S/o. Mohanraj, aged about 29 years, branded as Immoral Traffic Offender and now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.P.Sundararajan

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, Parthiban, S/o. Mohanraj, aged about 29 years. The detenu has been detained by the second respondent by his order in No.BCDFGISSSV/521/2019 dated 22.08.2019, holding to be a "Immoral Traffic Offender", as contemplated under Section 2(g) 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 the 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 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.113, it is clear 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.BCDFGISSSV/521/2019 dated 22.08.2019, passed by the second respondent is set aside. The detenu, namely, Parthiban, S/o. Mohanraj, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

mmi/ssm
To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.
3. The Superintendent,
Central Prison, Puzhal, Chennai.



4.The Public Prosecutor,
High Court, Madras

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RSV(CO)
SP(07/01/2020)