

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2019

Coram

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

H.C.P. No. 1929 of 2019

Govindammal ... Petitioner

-vs-

1.The State of Tamil Nadu
Rep. by The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
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 relating to the detention order in Memo No.486/BCDFGISSSV/2019, dated 09.08.2019 passed by the second respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's mother-in-law Kasthuri, W/o. Ravisankar, the detinue now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's mother-in-law Kasthuri, W/o. Ravisankar, aged about 40 years the detinue herein and set her at liberty.

For Petitioner : Mr.N.Naresh

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 daughter-in-law of the detenu, Kasthuri, W/o. Ravisankar, female, aged 40 years. The detenu has been detained by the second respondent by his order in Memo NO.486/BCDFGISSSV/2019, dated 09.08.2019, 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 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.64 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 Memo No.486/BCDFGISSSV/2019, dated 09.08.2019, passed by the second respondent is set aside. The detenu, namely, Kasthuri, W/o. Ravisankar, female, aged 40

years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
The Commissioner Office,
Vepery, Chennai - 7.
- 3.The Superintendent,
Special Prison for Women,
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.

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H.C.P. No. 1929 of 2019

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