

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

H.C.P. NO. 69 OF 2020

Banu

...Petitioner

-vs-

1.The Secretary to Government,
Home, Prohibition Excise Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai, Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records in connection with the order of Detention passed by the second respondent 14.12.2019 in No.866/BCDFGISSSV/2019 against the petitioner son Mr.Boss @ Baskaran male aged about 24 years son of Suthi Murugan, who is confined at Central Prison Puzhal, Chennai, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.M.Illiyas

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 Boss @ Baskaran male aged about 24 years son of Suthi Murugan, who is the detenu. The detenu has been detained by the second respondent by his order in No.866/BCDFGISSSV/2019, dated 14.12.2019, holding him 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 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 Nos. 28 and 29 of the booklet, 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. 866/BCDFGISSV/2019, dated 14.12.2019, passed by the second respondent is set aside. The detenu, namely, Boss @ Baskaran male aged about 24 years son of Suthi Murugan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS I)

//True Copy//

Sub Assistant Registrar

raa/mmi/ssm

To

1. The Secretary to Government,
Home, Prohibition Excise Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Police,
Greater Chennai,
Chennai.

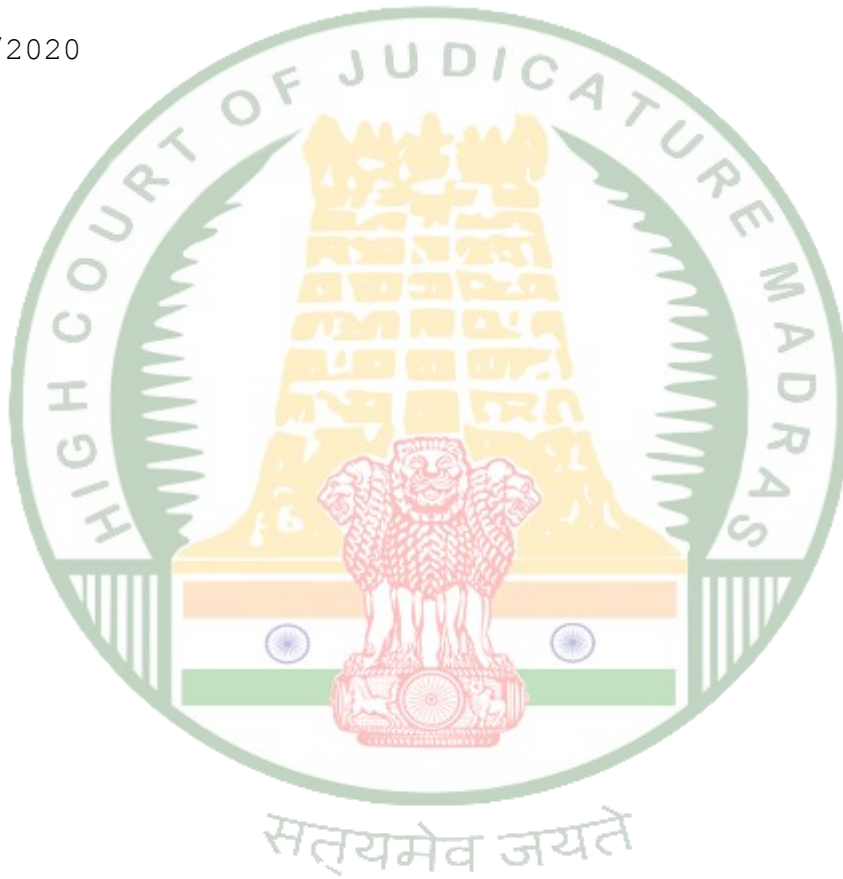
3. The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary,
Public (Law & Order),
Fort St.George,
Chennai-9.

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MP (CO)
KKV/19/08/2020



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