

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 962 of 2020

Lakshmi

... Petitioner

vs

- 1.State of Tamil Nadu rep. By Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai, Veppery, Chennai - 7.
- 3.The Inspector of Police,
P6 Kodungaiyur Police Station,
Vysarpadi, Chennai - 39.
- 4.The Superintendent of Prison,
Central Prison - II, Puzhal, Chennai - 66.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records relating to the detention order passed in Memo No.146/BCDFGISSSV/2020 dated 28.02.2020 by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son-in-law Thiru.Appun @ Kalaiselvan, S/o. Chandran, aged about 30 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son-in-law Thiru.Appun @ Kalaiselvan, S/o. Chandran, aged about 30 years the detenu herein at liberty.

For Petitioner : Mr.R.Muthukumar

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 mother-in-law of Appun @ Kalaiselvan, S/o. Chandran, aged about 30 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.146/BCDFGISSSV/2020 dated 28.02.2020, 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 forensic report pertaining to the similar case has not been 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.78 of the booklet, it is clear that the forensic report pertaining to the similar case has not been 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.146/BCDFGISSSV/2020 dated 28.02.2020, passed by the second respondent is set aside. The detenu, namely, Appun @ Kalaiselvan, S/o. Chandran, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai, Veppery, Chennai - 7.
- 3.The Inspector of Police,
P6 Kodungaiyur Police Station,
Vysarpadi, Chennai - 39.
- 4.The Superintendent of Prison,
Central Prison - II, Puzhal, Chennai - 66.
- 5.The Public Prosecutor,
High Court, Madras.

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