

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

Coram

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

H.C.P. No. 797 of 2020

Jareena Begum

...Petitioner

-vs-

1. The Secretary to the Government,
Home Prohibition and Excise Department
Chennai 600 009.
2. Commissioner of Police
Greater Chennai,
Vepery, Chennai 600 007.
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai.
4. Inspector of Police,
H 8 Thiruvottiyur Police Station,
Thiruvanmiyur, Chennai - 19.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus directing the respondents to produce the body of the detenu Khader Moideen, M/27 years, S/o.Mohammed Ali, who is detained in Central Prison, Puzhal, Chennai before this Court and pass an order to call for the records of detention order passed by the second respondent dated 06.03.2020 in Memo No.163/BCDFGISSSV/2020 against the petitioner's son Khader Moideen, male, aged 27 years, S/o.Mohammed Ali and set aside the same and set the detenu at liberty.

For Petitioner : Mr.R.Rafi Babu

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 Khader Molideen, male, aged 27 years, S/o.Mohammed Ali, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.163/BCDFGISSSV/2020 dated 06.03.2020, 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 and we have also perused the records carefully.

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 extension 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.88 and 89 of the booklet, it is clear that the remand extension 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.163/BCDFGISSSV/2020 dated 06.03.2020 passed by the second respondent is set aside. The detenu, namely, Khader Molideen, male, aged 27 years, S/o.Mohammed Ali is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-

Assistant Registrar(L.A)

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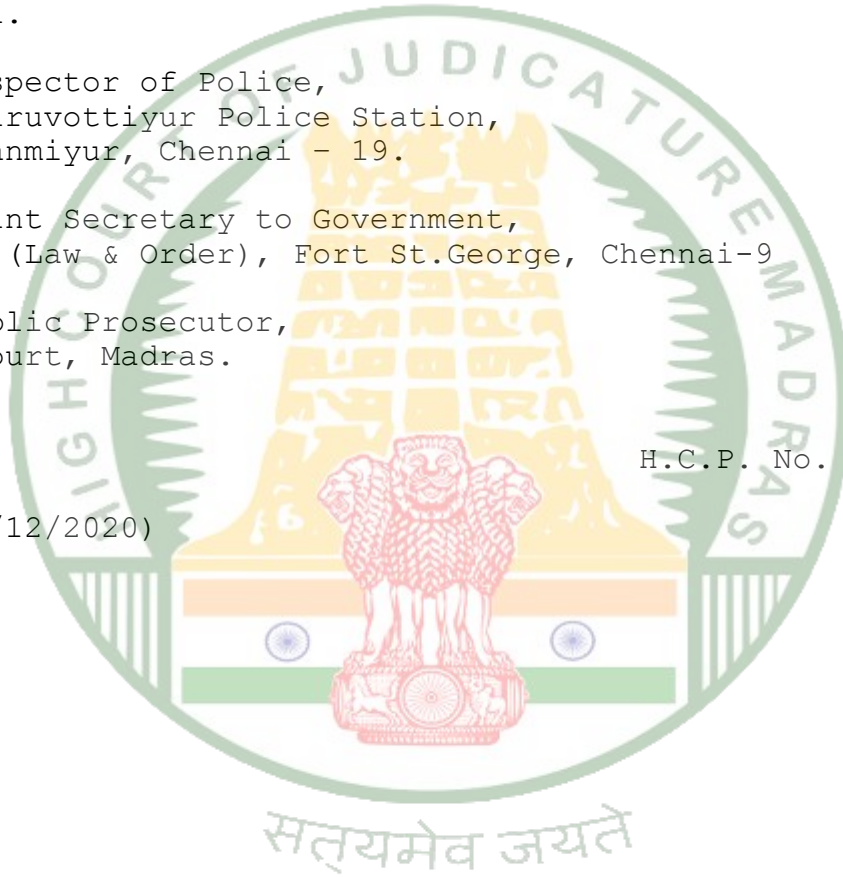
Sub Assistant Registrar

To

1. The Secretary to the Government,
Home Prohibition and Excise Department
Chennai 600 009.
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai 600 007.
3. The Superintendent of Prison
Central Prison, Puzhal,
Chennai.
4. The Inspector of Police,
H 8 Thiruvottiyur Police Station,
Thiruvannamiyur, Chennai - 19.
5. The Joint Secretary to Government,
Public (Law & Order), Fort St.George, Chennai-9
6. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 797 of 2020

rr ii (03/12/2020)



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