

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

Coram

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

H.C.P.No. 830 of 2020

Sasikala

... Petitioner

vs.

- 1.State of Tamil Nadu
Rep. By The Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 09.
- 2.The Commissioner of Police,
Greater Chennai, Vepery, Chennai - 07.
- 3.The Inspector of Police,
Anti Vice Squad - 1,
Greater Chennai Police,
Chennai.
- 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 calling for the records relating to the detention order in Memo No.200/BCDFGISSSV/2020 dated 18.03.2020 passed 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 Hariharan, S/o.Ravi, aged 26 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Hariharan, S/o.Ravi, aged about 26 years the detenu herein at liberty.

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For Petitioner : Mr.R.Muthukumar

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 Hariharan, S/o.Ravi, male, aged 26 years. The detenu has been detained by the second respondent by his order in Memo No.200/BCDFGISSSV/2020 dated 18.03.2020 holding him 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 and we have also perused the records including the counter affidavit 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 seizure mahazar 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.92 of the booklet, it is clear that the seizure mahazar 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.200/BCDFGISSSV/2020 dated 18.03.2020 passed by the second respondent is set aside. The detenu, namely, Hariharan, S/o.Ravi, male, aged 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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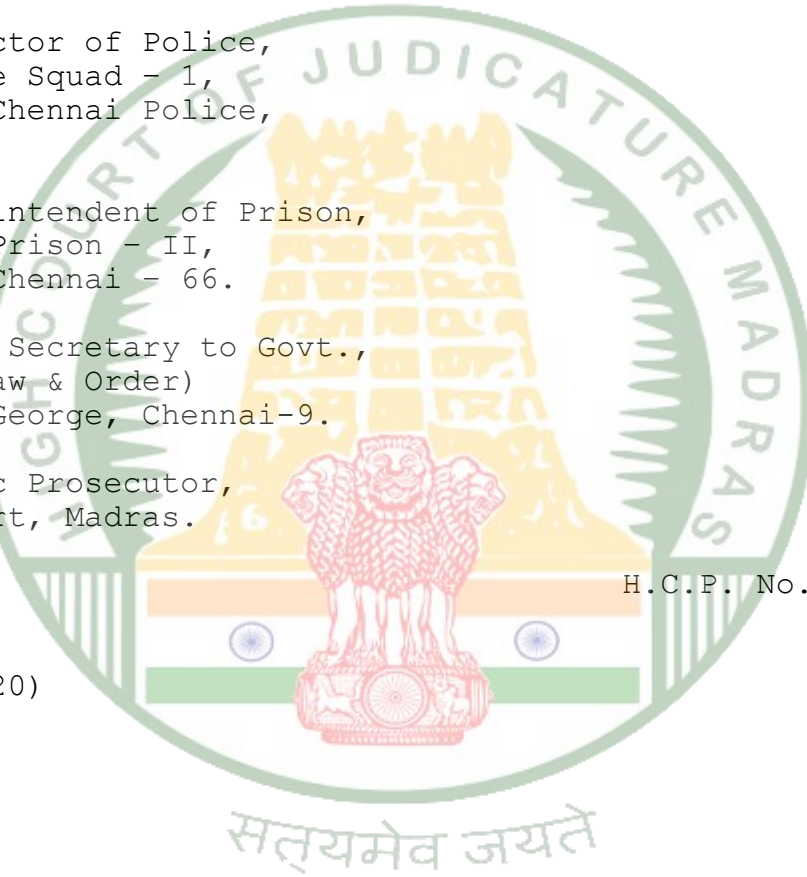
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To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 09.
- 2.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 07.
- 3.The Inspector of Police,
Anti Vice Squad - 1,
Greater Chennai Police,
Chennai.
- 4.The Superintendent of Prison,
Central Prison - II,
Puzhal, Chennai - 66.
- 5.The Joint Secretary to Govt.,
Public(Law & Order)
Fort St.George, Chennai-9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P. No.830 of 2020

GP(CO)
CB(09/12/2020)



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