

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. 874 of 2020

K.Pandiyammal

.. Petitioner

Vs.

1. The State of Tamil Nadu, Represented by
Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
 2. The Commissioner of Police,
Greater Chennai, Chennai Police
Commissioner Office, Vepery, Chennai.
 3. The Superintendent of Police,
Central Prison, Puzhal, Chennai.
 4. The State represented by
Inspector of Police, NIB-CID, Chennai.
- .. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records relating to the detention order passed by the second respondent pertaining to the order made in BCDFGISSSV No.37/2020 dated 24.01.2020, in detaining the detenu under 2(f) of the Tamilnadu Act 14 of 1982, as a Goonda Drug Offender and quash the same and direct the respondents to produce the detenu Ramaraj S/o. Late Kasimayan, Male, aged about 26 years, who is detained at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.S.Karthikeyan

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 Ramaraj, S/o. Late Kasimayan, Male, aged about 26 years, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.37/2020 dated 24.01.2020, 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 arrest report not 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.83 & 91 of the booklet, it is clear that the arrest report is not 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 BCDFGISSSV No.37/2020 dated 24.01.2020, passed by the second respondent is set aside. The detenu, namely, Ramaraj, S/o. Late Kasimayan, Male, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

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

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

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

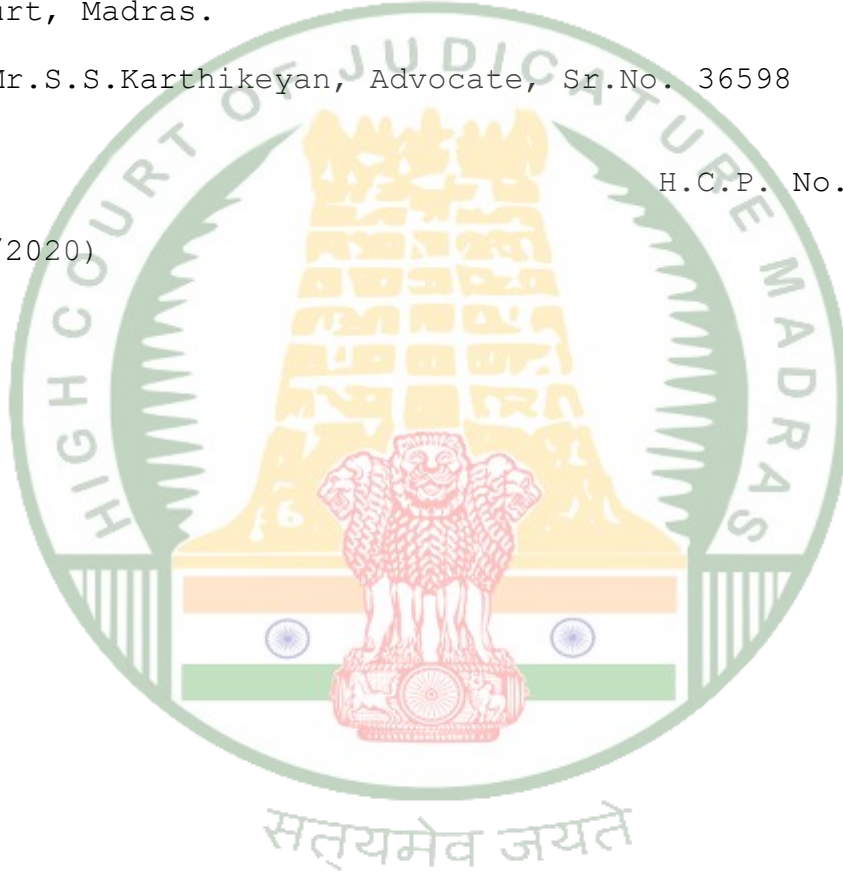
4.The Inspector of Police,
NIB-CID, Chennai.(Crime No.116/2019)

5.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.S.Karthikeyan, Advocate, Sr.No. 36598

H.C.P. No.874 of 2020

UM(CO)
RMP(09/12/2020)



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