

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2196 of 2019

Elumalai
S/o.Arumugam

... Petitioner

Vs

1.The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department,
Fort St.George,
Chennai - 600009.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records in connection with the order of second respondent in No.589/BCDFGISSSV/2019 dated 12.09.2019 and quash the order of detention passed by second respondent against the detenu and consequently, direct the respondents herein to produce the body and person of the detenu by name Anand, aged about 23 years, S/o.Elumalai, now detained at Central Prison, Puzhal, Chennai before this Court and setting him at liberty forthwith.

For Petitioner : Mr.S.Sasikumar

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the father of the detenu viz., Anand, aged about 23 years, S/o.Elumalai, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in No.589/BCDFGISSSV/2019 dated 12.09.2019.

2. The alleged ground case has been registered against the detenu in Crime No.1077 of 2019 on the file of T-14 Mangadu Police Station for an offence u/s.302 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Learned counsel for petitioner submits that in the booklet furnished to the detenu, the Tamil version of 'Arrest Intimation Form' was not available. Learned counsel informs that the same adversely has affected his right of making an effective representation.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. Non-furnishing of Tamil translation of 'Arrest Intimation Form' would deprive the detenu the opportunity of making effective representation to the authorities concerned. The same, which amounts to an infringement of right enshrined under Article 22(5) of the Constitution of India, would vitiate the order of detention. For the aforesaid reason, this Court would allow the present petition.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Anand, aged about 23 years, S/o.Elumalai, in No.589/BCDFGISSSV/2019 dated 12.09.2019, is quashed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

gm
To

1.The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department,
Fort St.George,
Chennai - 600009.

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

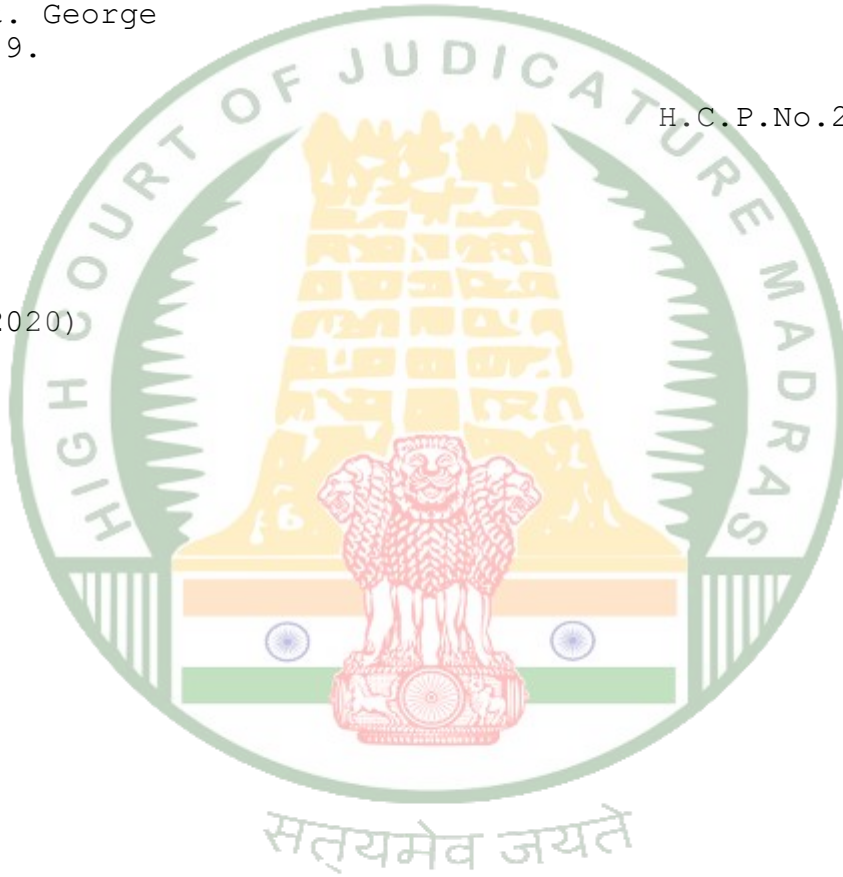
3.The Superintendent,
Central Prison, Puzhal,

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government
Public(law and order)
Fort. St. George
Chennai 9.

H.C.P.No.2196 of 2019

NRL(CO)
SP(12/03/2020)



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