

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

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

H.C.P.No.2248 of 2019

Manikandan @ Pattabi
S/o.Subramani

...Petitioner

Vs

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

2.The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office,
Vepery,
Chennai - 600007.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in No.636/BCDFGISSSV/2019 dated 01.10.2019 on the file of second respondent herein and set aside the same as illegal and produce the detenu viz., Manikandan @ Pattabi S/o.Subramani, aged about 25 years, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

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 viz., Manikandan @ Pattabi S/o.Subramani, is the detenu, aged 25 years, has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in No.636/BCDFGISSSV/2019 dated 01.10.2019.

2. The detenu came to adverse notice in Crime No.580/2019 on the file of R-1 Mambalam Police Station for offences u/s.342, 365, 394, 506(ii) IPC @ 342, 365, 392, 394 and 506(ii) IPC r/w 34 IPC. The alleged ground case has been registered against the detenu in Crime No.585 of 2019 on the file of R-1 Mambalam Police Station for offences u/s.341, 294(b), 336, 397, 427 and 506(ii) 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 the Tamil version of the remand order has not been properly translated. Learned counsel informs that the same adversely has affected his right of making an effective representation.

5. When there is any deviation in the translated copy of documents, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, 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., Manikandan @ Pattabi S/o.Subramani, in No.636/BCDFGISSSV/2019 dated 01.10.2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

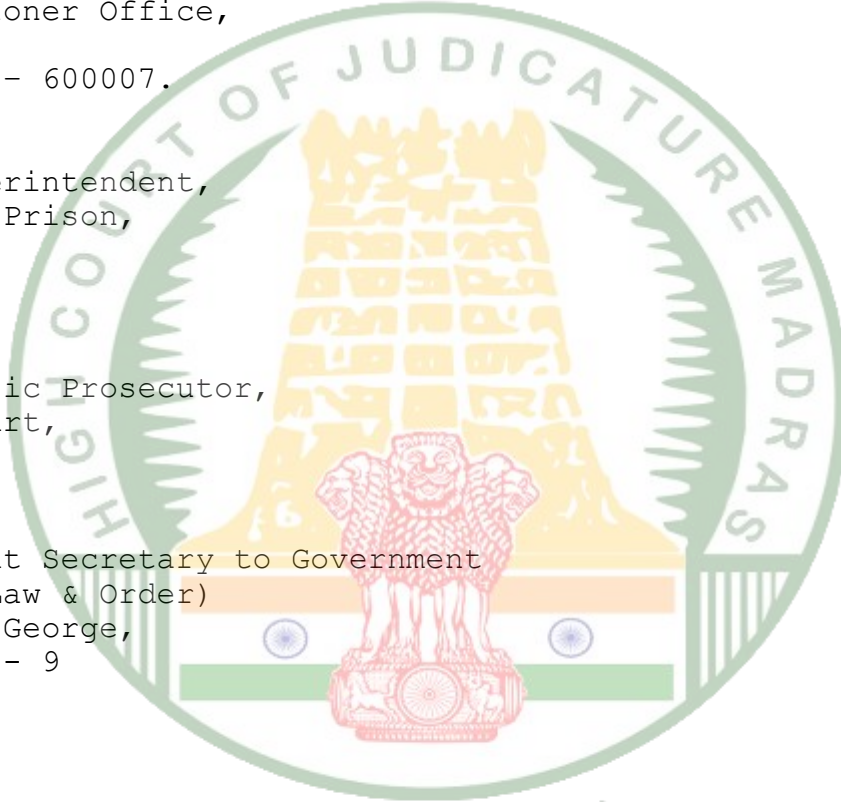
1.The Secretary to Government,
Department of Prohibition and Excise(Home),
Fort St.George,
Chennai - 600009.

2.The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office,
Vepery,
Chennai - 600007.

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

4.The Public Prosecutor,
High Court,
Madras.

5.The Joint Secretary to Government
Public(Law & Order)
Fort St.George,
Chennai - 9



सत्यमेव जयते

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SVI (CO)
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