

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2020

CORAM

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

H.C.P.No.2354 of 2019

Sarojini
W/o.Muthu

...Petitioner

Vs

1.The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department,
Secretariat,
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 connected with the order of second respondent herein concerned in No.590/BCDFGISSSV/2019 dated 12.09.2019 and quash the order of detention passed therein by second respondent herein against the detenu and consequently, direct the respondents herein to produce the body and person of the detenu by name Manimaran, aged about 23 years, S/o.Muthu, now detained at Central Prison, Puzhal, Chennai, before this Court and set 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 mother of the detenu viz. Manimaran S/o.Muthu, aged 23, 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.590/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 the petitioner submitted that in the booklet furnished to the detenu, only the English version of the 'Arrest Intimation' has been enclosed, the Tamil version is not available. This precluded the detenu from making an effective representation.

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

6. Non-furnishing of Tamil version of the 'Arrest Intimation' would deprive the detenu from making effective representation. 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., Manimaran S/o.Muthu, aged 23, in No.590/BCDFGISSSV/2019 dated 12.09.2019, 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

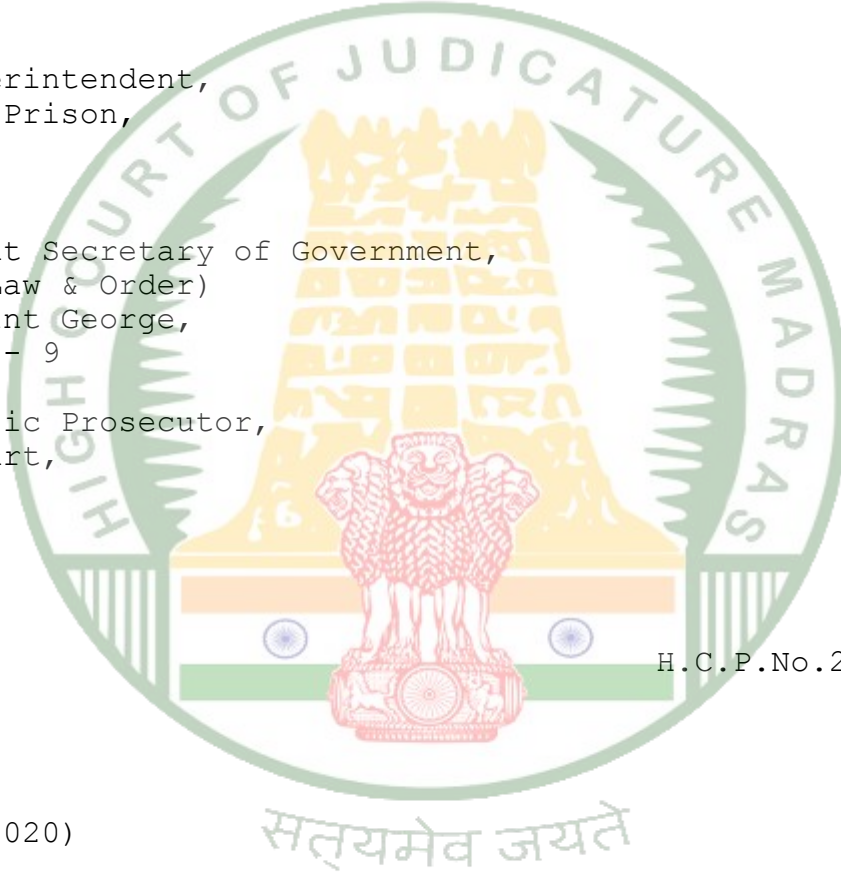
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Sub Assistant Registrar

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To

- 1.The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department,
Secretariat,
Chennai - 600009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.
- 3.The Superintendent,
Central Prison,
Puzhal,
Chennai.
- 4.The Joint Secretary of Government,
Public(Law & Order)
Fort Saint George,
Chennai - 9
- 5.The Public Prosecutor,
High Court,
Madras.



H.C.P.No.2354 of 2019

NR(CO)
RN(05/08/2020)

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