

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

CORAM

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

H.C.P.No.2352 of 2019

Parthiban

... Petitioner

Vs

1.The State of Tamilnadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 7.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the entire records leading to the detention of the petitioner's father Subramani @ Ganja Subramani, son of Pakkiri, male aged about 48 years is presently lodged in Central Prison, Puzhal at Chennai has been detained under Act 14/82 as a "Drug Offender" vide detention order dated 05.10.2019 on the file of the 2nd respondent herein, made in BCDFGISSSV No.648/2019 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from the Central Prison, Puzhal, Chennai.

For Petitioner : Mr.M.Rajavelu

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 son of the detenu Subramani @ Ganja Subramani, S/o. Pakkiri, aged 36 years, who has been branded as a "Drug Offender" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Memo No.648/BCDFGISSSV/2019 dated 05.10.2019. Such order is under

challenge herein.

2. The ground case has been registered against the detenu in Crime No.596 of 2019 on the file of E-4 Abiramapuram Police Station for offences u/s. 8(c) r/w 20(b)(ii)(B) of NDPS Act 1985.

3. Learned counsel for petitioner points out the discrepancy between English and Tamil version in respect of the remand order of the detenu dated 27.08.2019 furnished in the booklet and informs that the same has adversely affected his right of making an effective representation.

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

5. When there is a variation between English and Tamil version in respect of the remand order, 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.

6. This Habeas Corpus Petition is allowed. The detention order passed by second respondent against the detenu Subramani @ Ganja Subramani, S/o. Pakkiri, made in Memo No.648/BCDFGISSSV/2019 dated 05.10.2019, is set aside. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vga
To

1.The State of Tamilnadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 7.

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

4.The Public Prosecutor,
High Court, Madras.

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

H.C.P.No.2352 of 2019

RSV(CO)
CB(16/03/2020)