

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

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

H.C.P.No.2439 of 2019

J.Sheela
W/o.Jothibas

.... Petitioner/Wife of defecto

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
2. The Commissioner of Police,
Greater Chennai, 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 records in connection with the order of detention passed by second respondent dated 12.10.2019 in Memo No.664/BCDFGISSSV/2019 against the petitioner's husband viz., Jothibas S/o.Mahendran, aged about 24 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.V.Paarthiban
For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R

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

Petitioner is the wife of the detenu viz., Jothibas S/o.Mahendran, aged 24 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of

second respondent passed in Memo No.664/BCDFGISSSV/2019 dated 12.10.2019.

2. The detenu came to adverse notice in the following cases:

Sl. No.	Police Station and Crime No.	Section of Law
1.	H8 Thiruvottiyur Police Station, Crime No.391/2017	341, 324, 307, 336, 427 & 506(ii) IPC
2.	E6 Thiruporur Police Station, Crime No.561/2017	147, 148, 294(b), 302 IPC @ 147, 148, 302, 114 IPC r/w 34, 149 IPC
3.	H8 Thiruvottiyur Police Station, Crime No.941/2019	294(b), 323, 324 & 506(i) IPC

The alleged ground case has been registered against the detenu in Crime No.967 of 2019 on the file of H8 Thiruvottiyur Police Station, for offences u/s.341, 294(b), 336, 427, 392, 397 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 in the booklet furnished to the detenu, the First Information Report 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., Jothibasu S/o.Mahendran, in Memo No.664/BCDFGISSSV/2019 dated 12.10.2019, 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(CS VI)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Home Prohibition and Excise Department,
Fort St.George, Chennai - 9.
2. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
3. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600007.
4. The Superintendent,
Central Prison,
Puzhal, Chennai.
5. The Joint Secretary to Government,
Public (Law and Order)
Fort St.George,
Chennai - 9
6. The Public Prosecutor,
High Court, Madras.

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SR(CO)
KKV/10/06/2020