

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.2444 of 2019

Radha W/o.Shanmugam

...Petitioner

Vs

1.The District Collector and District Magistrate,
Villupuram District,
Villupuram.

2.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600009.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing respondents to produce the detinue viz., Lalitha W/o.Viswanathan, aged 37 years, who is detained under Act 14/82 by first respondent in his proceedings R.C.No.C2/27262/2019 dated 27.09.2019, who is now confined at Special Prison for Women, Vellore, before this Court and set her at liberty.

For Petitioner : Mr.A.N.Rajan

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., Lalitha W/o.Viswanathan, aged 37 years, who has been branded as a 'Bootlegger' under the Tamil Nadu Act 14 of 1982 and detained under order of first respondent passed in R.C.No.C2/27262/2019 dated 27.09.2019.

2. The alleged ground case has been registered against the detenu in Crime No.405 of 2019 on the file of Prohibition Enforcement Wing, Kottakuppam, for offences u/s.4(1-A), 4(1) (aaa) and 4(1)(i) of Tamil Nadu Prohibition Act, 1937. 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 bail order of the similar case has not been properly translated. Learned counsel informs that the same adversely has affected her 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 first respondent against the detenu viz., Lalitha W/o.Viswanathan, in R.C.No.C2/27262/2019 dated 27.09.2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless her custody is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The District Collector and District Magistrate,
Villupuram District,
Villupuram.
- 2.The Principal Secretary to Government,
Home,Prohibition and Excise Department,
Fort St.George,
Chennai - 600009.
- 3.The Superintendent,
Special Prison for Women,
Vellore.
- 4.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.A.N.Rajan, Advocate, S.R.No.15499

H.C.P.No.2444 of 2019

EV(CO)
RN(30/05/2020)