

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2020

CORAM

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

H.C.P.No.2463 of 2019

D.Vimal Raj

... Petitioner

Vs

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 08.10.2019 in R.C. No.C2 28041/2019 against the petitioner's mother Rubavathi, wife of Durai, aged about 50 years, who is confined at Special Prison for Women at Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set her at liberty.

For Petitioner : Mr.V.Parthiban

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 viz., Rubavathi, S/o.Durai, aged about 50 years, who has been branded as a 'Bootlegger' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in R.C. No.C2/28041/2019 dated 08.10.2019.

2. The alleged ground case has been registered against the detenu in Crime No.350 of 2019 on the file of Marakkanam Police Station for offences u/s. 4(1)(i), 4(1)(aaa) 4 (1-A) 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 a copy of the Arrest Intimation Form, which is available at page No.25 of the Booklet furnished to the detinue, was only in the English version, but no translated Tamil version of the said arrest intimation form has been furnished to the detinue. Learned counsel informs that the same adversely has affected his right of making an effective representation.

5.It is a case, among other grounds, where the learned counsel for the petitioner would urge that a copy of the translated Tamil version of the Arrest Intimation Form was not furnished to the detinue. As evidenced from the document in page 25 of the Booklet furnished to us, a mere copy of the English version of the Arrest Intimation was found, whereas no translated Tamil version is available in the said booklet. 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 detinue viz., Rubavathi, W/o.Durai in R.C. No.C2 28041/2019 dated 08.10.2019, is set aside. The above named detinue is ordered to be set at liberty forthwith, unless her custody is required in connection with any other cases.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

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

3.The Superintendent,Special Prison for Women, Vellore.

4.The Public Prosecutor,High Court, Madras.

5. The Joint Secretary to Government, Public (Law and order)
Fort.St.George, Chennai 9.

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