



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

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

H.C.P.No.2473 of 2019

Sumithra
W/o.Guhan

... Petitioner/Wife of the detenue

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600007. ... Respondents

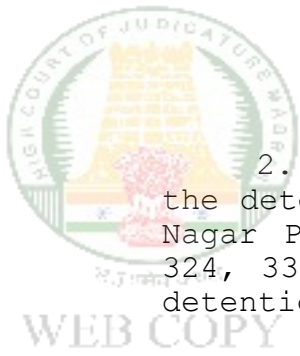
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records connected with the detention order of second respondent in BCDFGISSSVNo.713/2019 dated 26.10.2019 and quash the same and direct the respondents to produce the body and person of the petitioner's husband, namely, Guhan S/o.Nagalingam, aged about 32 years, detained at Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Mohamed Ansar
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 wife of the detenu viz., Guhan S/o.Nagalingam, aged about 32 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 BCDFGISSSVNo.713/2019 dated 26.10.2019.



2. The alleged ground case has been registered against the detenu in Crime No.490 of 2019 on the file of J-11 Kannagi Nagar Police Station for offences u/s.147, 148, 341, 294(b), 324, 336, 307, 302 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 Tamil version of 'Remand Extension Order' has not been properly translated. Learned counsel informs that the same adversely has affected his right of making an effective representation.

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

6. Improper translation of Tamil version of 'Remand Extension Order' would deprive the detenu the opportunity of making effective representation to the authorities concerned. The same, which amounts to an infringement of right enshrined under Article 22(5) of the Constitution of India, would vitiate the order of detention. For the aforesaid reason, 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., Guhan S/o.Nagalingam, aged about 32 years, in BCDFGISSSVNo.713/2019 dated 26.10.2019, 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.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 600007.



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.

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