

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2020

CORAM

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

H.C.P.No.2493 of 2019

Kalaiselvi
W/o.Manickaraj @ Raj ... Petitioner

Vs

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
- 2.The Commissioner of Police,
Greater Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by second respondent dated 03.10.2019 in Memo No.642/BCDFGISSSV/2019 against the petitioner's husband Manickaraj @ Raj, Male, aged 33 years, S/o.Chandran, 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.S.Senthil Vel

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., Manickaraj @ Raj S/o.Chandran, aged about 33 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.642/BCDFGISSSV/2019 dated 03.10.2019.

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

Sl. No.	Police Station and Crime No.	Section of Law
1.	T-1 Ambattur Police Station, Crime No.70/2019	457 and 380 IPC
2.	T-1 Ambattur Police Station, Crime No.866/2019	457 and 380 IPC
3.	T-3 Korattur Police Station, Crime No.314/2019	457 and 380 IPC
4.	T-2 Ambattur Estate Police Station, Crime No.484/2019	457 and 380 IPC
5.	T-1 Ambattur Police Station, Crime No.1041/2019	457 and 380 IPC

The alleged ground case has been registered against the detenu in Crime No.680 of 2019 on the file of T-3 Korattur 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 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., Manickaraj @ Raj S/o.Chandran, aged about 33 years, in Memo No.642/BCDFGISSSV/2019 dated 03.10.2019, 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

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
- 2.The Commissioner of Police,
Greater Chennai.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 4.The Joint Secretary to Government,Public (Law & order)
fort st.George, Chennai-9.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2493 of 2019

RGN (CO)
RMP (14/09/2020)

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