

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.2537 of 2019

S.Vichitra
W/o.Suresh

... Petitioner

Vs

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

2.The District Collector & District Magistrate,
Vellore District,
Vellore - 9.

... 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 in connection with the order of detention passed by second respondent dated 15.07.2019 in Memo No.C3/D.O.No.77/2019 against the petitioner's friend Manikandan @ Kovil Mani, Male, aged 35 years, S/o.Subramani, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

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 friend of the detenu viz., Manikandan @ Kovil Mani, aged about 35 years, S/o.Subramani Nadar, 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.C3/D.O.No.77/2019 dated 15.07.2019.

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

Sl. No.	Name of the Police Station and Crime No.	Section of Law
1.	Srirangam Police Station, Crime No.751/2018	379 IPC
2.	Tanjavur Town East Police Station, Crime No.63/2019	379 IPC
3.	Kaveripakkam Police Station, Crime No.308/2019	379 IPC

The alleged ground case has been registered against the detenu in Crime No.344 of 2019 on the file of Kaveripakkam Police Station for offences u/s.294(b), 392, 394, 307 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' was not available. 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. Non-furnishing 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., Manikandan @ Kovil Mani, aged about 35 years, S/o.Subramani Nadar, in Memo No.C3/D.O.No.77/2019 dated

15.07.2019, 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

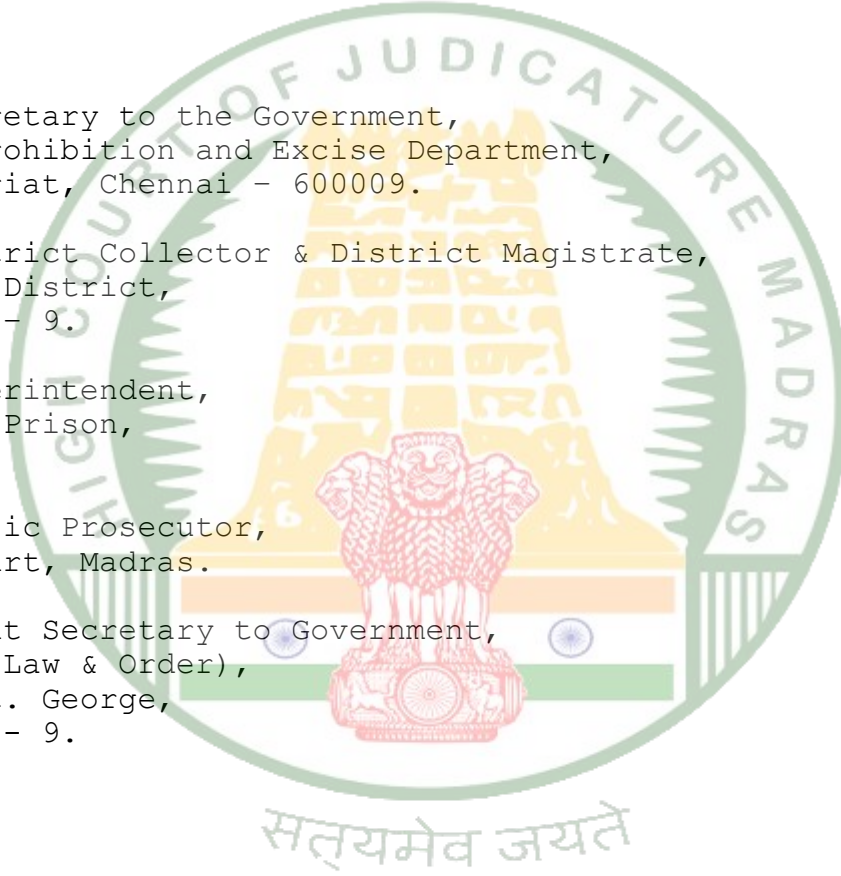
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Sub Assistant Registrar

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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
- 2.The District Collector & District Magistrate,
Vellore District,
Vellore - 9.
- 3.The Superintendent,
Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court, Madras.
- 5.The Joint Secretary to Government,
Public (Law & Order),
Fort. St. George,
Chennai - 9.



H.C.P.No.2537 of 2019

GP(CO)
RSI(20/05/2020)

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