

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 2748 of 2019

V.Usha

... Petitioner

-vs-

1.State of Tamilnadu
Rep. By the Secretary, Home
Prohibition and Excise Department
Fort St. George
Chennai - 600 009.

2.The Commissioner of Police
The Greater Chennai City
Vepery, Chennai - 600 007.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records relating to the detention order in Memo No.780/BCDFGISSSV/2019, dated 15.11.2019 passed by the 2nd respondent under the Tamilnadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Victor, S/o. Soosai aged about 38 years, the detenu now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's husband Victor, S/o. Soosai, aged about 38 years the detenu herein at liberty.

For Petitioner : Mr.S.Raj Kumar

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the wife of Victor, S/o. Soosai aged about 38 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo

No.780/BCDFGIISSSV/2019, dated 15.11.2019, holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.67 and 69 of the booklet, it is clear that the remand order has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.780/BCDFGIISSSV/2019, dated 15.11.2019, passed by the second respondent is set aside. The detenu, namely, Haribabu @ Harivalavan, S/o. Anandhan, aged 25 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

raa/mmi/ssm

To

1. The Secretary,
Home Prohibition and Excise Department
Fort St. George
Chennai - 600 009.

2. The Commissioner of Police
The Greater Chennai City
Vepery, Chennai - 600 007.

3.The Superintendent,
Central Prison, Puzhal, Chennai.

4. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George
Chennai - 600 009.

5.The Public Prosecutor,
High Court, Madras.

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RLD(CO)
GMY(28/07/2020)



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