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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.07.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.99 of 2021

Sathiyamoorthy

.. Petitioner

Vs.

1.State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.

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

3.State represented by
The Inspector of Police
S-8, Adambakkam Police Station,
Chennai.
(Crime No.1347 of 2020)

4.The Superintendent,
Central Prison,
Puzhal, Chennai - 600 008.

.. 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 dated 28.12.2020 made in detention order BCDFGISSSV.No.524/2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's son Saran, son of Sathiyamoorthy, aged about 22 years, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.B.Shankar
For Respondents : Mr.R.Muniyapparaj,
: Govt.Advocate
(Crl.Side)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the father of Saran, son of Sathiyamoorthy, aged about 22 years, who is the detenu. The detenu has been detained by the second respondent by his order in BCDFGISSSV.No.524/2020 dated 28.12.2020, 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 Government Advocate (Crl.Side) appearing for the respondents and we have also perused the records carefully.

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 arrest intimation has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Government Advocate (Crl.Side) strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.135 to 137 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.



In the result, the Habeas Corpus Petition is allowed and the order of detention in BCDFGISSSV.No.524/2020 dated 28.12.2020, passed by the second respondent is set aside. The detenu, viz., Saran, son of Sathiyamoorthy, aged about 22 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

nsd

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
- 3.The Inspector of Police
S-8, Adambakkam Police Station,
Chennai.
(Crime No.1347 of 2020)
- 4.The Superintendent,
Central Prison,
Puzhal, Chennai - 600 008.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.99 of 2021

RLD (CO)
PR (20/07/2021)