



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P.No.92 of 2021

Muthammal

..Petitioner/Mother of
the detenu

Vs.

State rep. by

1.The Secretary to Government

Home, Prohibition and Excise Department

Secretariat, Fort St. George, Chennai-9

2.The District Magistrate and District Collector

Namakkal District, Namakkal

3.The Superintendent of Police

Namakkal District, Namakkal

4.The Superintendent

Central Prison, Salem

5.The Inspector of Police

Namakkal Police Station

Namakkal District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in C.M.P.No.29/Drug Offender/2020(M1) dated 18.12.2020 on the file of the 2nd respondent and quash the same as illegal and direct the respondent to produce the detenu viz., Balaiah, aged about 43 years, S/o.Rajagopal, confined at Central Prison, Salem before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Sengkodi

For Respondents : Mr.R.Muniyapparaj

Government Advocate (Crl. Side)



O R D E R

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

The petitioner is the mother of the detenu viz., Balaiah, aged about 43 years, S/o.Rajagopal. The detenu has been detained by the 2nd respondent by his order dated 18.12.2020 in C.M.P.No.29/Drug Offender/2020(M1), 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. 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 arrest intimation 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.56 to 57 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 C.M.P.No.29/Drug Offender/2020(M1), dated 18.12.2020, passed by the 2nd respondent is set aside. The detenu viz., Balaiah, aged about 43 years, S/o.Rajagopal, is directed to be released forthwith, unless his detention is required in connection with any other case.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai-9

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The District Magistrate and
District Collector
Namakkal District, Namakkal

4.The Superintendent of Police
Namakkal District, Namakkal

5.The Superintendent
Central Prison, Salem

6.The Inspector of Police
Namakkal Police Station
Namakkal District

7.The Public Prosecutor
High Court, Madras.

H.C.P.No.92 of 2021

SVI (CO)
EU 20.7.2021