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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

Coram

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

H.C.P.No.107 of 2021

A.Ranniammal .. Petitioner/Mother of the Detenue

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goonda Section), Vepery,
Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.

4.The Inspector of Police,
D-1, Triplicane Police Station (L & O),
Triplicane, Chennai - 600 005.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent in Memo No.454/BCDFGISSSV/2020 dated 04.11.2020 against the petitioner's son Gana Guru @ Mineshkumar, son of Arjunan, aged about 30 years, 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 forthwith.



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For Petitioner : Mr.R.Ganesh Kumar
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 mother of Gana Guru @ Mineshkumar, son of Arjunan, aged about 30 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No.454/BCDFGISSSV/2020 dated 04.11.2020, 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 remand order 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. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.114 and 115 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.454/BCDFGISSSV/2020 dated 04.11.2020, passed by the second respondent is set aside. The



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detenu, viz., Gana Guru @ Mineshkumar, son of Arjunan, aged about 30 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 Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
(Goonda Section), Vepery,
Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.
- 4.The Inspector of Police,
D-1, Triplicane Police Station (L & O),
Triplicane, Chennai - 600 005.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.Ganesh Kumar, Advocate (SR No.33897)

H.C.P.No.107 of 2021

SSN (CO)
PR (23/07/2021)