



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.08.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.149 of 2021

Muthu Mari

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to the Government
Home, Prohibition and Excise Department
Fort St. George, Chennai-9

2.The Commissioner of Police
Greater Chennai
The Commissioner Office
Vepery, Chennai-7

3.The Inspector of Police
St. Thomas Mount Police Station
Chennai District

4.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai-66

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records relating to the detention order in BCDFGISSSV No.502/2020 dated 15.12.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband viz., Murali, aged about 30 years, S/o.Sekar, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.M.Baskar

For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)



O R D E R

[Order of the Court was made by R.N.MANJULA, J.]

WEB COPY The petitioner is the wife of the detenu viz., Murali, aged about 30 years, S/o.Sekar. The detenu has been detained by the 2nd respondent by his order dated 15.12.2020 in BCDFGISSSV No.502/2020, 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. We have also perused the records produced by the Detaining Authority.

3. The learned Additional Public Prosecutor filed his counter affidavit and strongly opposed the Habeas Corpus Petition.

4. 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.131 to 133 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 BCDFGISSSV No.502/2020 dated 15.12.2020, passed by the 2nd respondent is set aside. The detenu viz., Murali, aged about 30 years, S/o.Sekar, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



- 1.The Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai-9
- 2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3.The Commissioner of Police
Greater Chennai
The Commissioner Office
Vepery, Chennai-7
- 4.The Inspector of Police
St. Thomas Mount Police Station
Chennai District
- 5.The Superintendent of Prison
Central Prison-II, Puzhal
Chennai-66
- 6.The Public Prosecutor
High Court, Madras.

H.C.P.No.149 of 2021

JP-II[co]
NSK 10/08/2021