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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

Coram

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

H.C.P.No.152 of 2021

S.Gayathri

...Petitioner

Vs

1.State of Tamil Nadu represented by
The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police/
Detaining Authority,
City Police Office,
Tiruppur City,
Tiruppur - 641 603.

3.The Superintendent of Prison,
Special Prison for Women,
Coimbatore, Coimbatore District.

4.The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur District.

...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 C.No.02/D.O/IS/2021 dated 12.01.2021 passed by the 2nd respondent and quash the same and direct the respondents to produce the petitioner's mother Selvi, wife of Selvam, aged about 40 years, now confined in Special Prison for Women, Coimbatore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.N.Arun Kumar

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



ORDER

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

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In this case, this Court vide order dated 04.06.2021 in Crl.M.P.No.5337 of 2021, has fixed the date for final disposal of the main case and hence, the same is taken up for hearing today.

2. The petitioner is the daughter of Selvi, wife of Selvam, aged about 40 years, who is the detainee. The detainee has been detained by the second respondent by his order in C.No.02/D.O/IS/2021 dated 12.01.2021, 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.

3. 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.

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

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

6. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.278 and 279 of the booklet, it is clear that the remand order pertaining to the ground case 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.No.02/D.O/IS/2021 dated 12.01.2021, passed by the second respondent is set aside. The detainee, viz., Selvi, wife of Selvam, aged about 40 years, is directed to be



released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police/
Detaining Authority,
City Police Office,
Tiruppur City,
Tiruppur - 641 603.
- 3.The Superintendent of Prison,
Special Prison for Women,
Coimbatore, Coimbatore District.
- 4.The Inspector of Police,
Tiruppur Central Police Station,
Tiruppur District.
- 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.152 of 2021

RLD(CO)

RVM(26/07/2021)