



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.296 of 2021

Muthukrishnan

...Petitioner

Vs.

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

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

3.The Superintendent of Central Prison
Puzhal, Chennai-66

4.The Inspector of Police
(Law & Order)
S-1 St. Thomas Mount Police Station
Chennai-16

...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 BCDFGISSSV No.504/2020 dated 15.12.2020 passed by the Commissioner of Police, Greater Chennai, Vepery, Chennai-7 the 2nd respondent herein and quash the same as illegal and direct the respondents to produce the detenu Muthukrishnan, aged about 36 years, S/o.Babu, now confined in Central Prison, Puzhal, Chennai-66 before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Kingston Jerold

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 himself is the detenu herein. He has been detained by the 2nd respondent by his order dated 15.12.2020 in BCDFGISSSV No.504/2020, 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.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.170 and 171 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.504/2020 dated 15.12.2020, passed by the 2nd respondent is set aside. The detenu viz., Muthukrishnan, aged about 36 years, S/o.Babu, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gya



To

1.The Additional Chief 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
Vepery, Chennai-7

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

5.The Inspector of Police
(Law & Order)
S-1 St. Thomas Mount Police Station
Chennai-16

6.The Public Prosecutor
High Court, Madras

H.C.P.No.296 of 2021

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