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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

Coram

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

H.C.P.No.278 of 2021

Vinitha Bhavani

...Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai,
Chennai.

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

4.The Inspector of Police,
Law and Order,
D-3, Ice House Police Station,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records from the 2nd respondent in connection with the detention order in Memo No.459/BCDFGISSSV/2020 dated 07.11.2020 and quash the same and produce the petitioner's brother Vimal @ Psycho Vimal, @ Vimalanathan, aged about 29 years, son of Vedhagiri, now confined in Central Prison, Puzhal, Chennai, and to set article the same and consequently direct the Respondents to produce detenue before this Court and set him at liberty forthwith.

For Petitioner : Mr.Gajendran
for Mr.K.Kannan

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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The petitioner is the sister of the detenu Vimal @ Psycho Vimal, @ Vimalanathan, aged about 29 years, son of Vedhagiri. The detenu has been detained by the second respondent by his order in Memo No.459/BCDFGISSSV/2020 dated 07.11.2020, 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. 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 extension 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.319 to 321 of the booklet, it is clear that the remand extension 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.459/BCDFGISSSV/2020 dated 07.11.2020, passed by the second respondent is set aside. The detenu, viz., Vimal @ Psycho Vimal, @ Vimalanathan, aged about 29 years, son of Vedhagiri, 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



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

2.The Commissioner of Police,
Greater Chennai,
Chennai.

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

4.The Inspector of Police,
Law and Order,
D-3, Ice House Police Station,
Chennai.

5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

6.The Public Prosecutor,
High Court, Madras.

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