

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM

THE HON'BLE MR. JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR. JUSTICE V.SIVAGNANAM

H.C.P. NO. 1818 OF 2020

Nagalakshmi

..Petitioner

Vs

1. State of Tamil Nadu rep. by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George, Chennai - 9.
2. The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.
3. Superintendent of Police,
Special Prison for Women,
Puzhal, Chennai.
4. Inspector of Police,
D1 Triplicane Police Station,
Chennai - 5.

..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 Memo No.342/BCDFGSSSV/2020 passed by the second respondent on 02.09.2020 on the file of the second respondent and quash the same as illegal and consequently direct the respondents to produce the petitioner's daughter-in-law Mala, Wife of Saravanan, aged about 36 years before this Court, who is now detained in Special Prison for Women, Puzhal and set her at liberty.

For Petitioner : Mr.A.Elumalai

For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

The petitioner is the mother-in-law of the detenu, Mala, Wife of Saravanan, aged about 36 years. The detenu has been detained by the second respondent by his order in Memo No.342/BCDFGISSSV/2020 dated 02.09.2020 holding her 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 Additional Public Prosecutor 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 first page of the bail order pertaining to the ground case has not been 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 No.113 of the booklet, it is clear that the first page of the bail order pertaining to the ground case has not been translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.342/BCDFGISSSV/2020 dated 02.09.2020 passed by the second respondent is set aside. The detenu, namely, Mala, Wife of Saravanan, aged about 36 years, is directed to be released forthwith unless her detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George, Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.
- 3.The Superintendent of Police,
Special Prison for Women,
Puzhal, Chennai.
- 4.The Inspector of Police,
D1 Triplicane Police Station,
Chennai - 5.
- 5.The Joint Secretary to Government,
Public Law & Order, Secretariat,
Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1818 of 2020

GMR (CO)
KKV/24/02/2021



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