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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice R.HEMALATHA

H.C.P.No.643 of 2021

S.Sathiya

..Petitioner

Vs.

1. State of Tamil Nadu represented by
The Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Erode District, Erode.
3. The Superintendent of Police,
O/o.Superintendent of Police,
Erode, Erode District.
4. The Superintendent of Prison,
Central Prison,
Coimbatore - 18.
5. State represented by
The Inspector of Police,
Bhavani Police Station,
Erode District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus with a direction to produce the body of the detenu viz., Senthilkumar @ Araipal Senthil, 46 years, S/o.late Marasamy, now detenu confined at the Central Prison, Coimbatore, before this Court and set him at liberty forthwith, by calling for the records pertaining to the detention order Cr.M.P.No.10/DRUG OFFENDER/2021 C1 dated 16.03.2021 passed by the 2nd respondent and quash the same.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

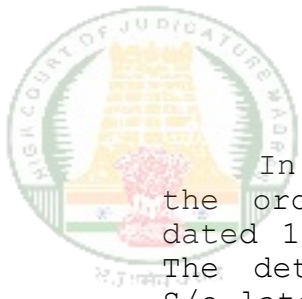
The petitioner is the wife of the detenu Senthilkumar @ Araipal Senthil, 46 years, S/o.late Marasamy. The detenu has been detained by the second respondent by his order in Cr.M.P.No.10/DRUG OFFENDER/2021 C1 dated 16.03.2021, holding him to be a "Drug Offender", as contemplated under Section 2(e) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

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 arrest intimation has not been fully 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. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.42 and 43 of the booklet, it is clear that the arrest intimation has not been fully 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 Cr.M.P.No.10/DRUG OFFENDER/2021 C1 dated 16.03.2021, passed by the second respondent is set aside. The detenu, viz., Senthilkumar @ Araipal Senthil, 46 years, S/o.late Marasamy, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Erode District, Erode.
3. The Superintendent of Police,
O/o.Superintendent of Police,
Erode, Erode District.
4. The Superintendent of Prison,
Central Prison, Coimbatore - 18.
5. The Inspector of Police,
Bhavani Police Station,
Erode District.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Marudhachalamurthy, Advocate SR. No.2979

H.C.P.No.643 of 2021

NR (CO)

PR (21/01/2022)