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H.C.P.No.775 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH  
AND  
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

H.C.P.No.775 of 2022

Dawood Haroon

Petitioner

v

- 1 The State of Tamil Nadu  
represented by its Secretary to Government  
Home, Prohibition and Excise Department  
Fort St. George  
Chennai 600 009
- 2 The Commissioner of Police  
Greater Chennai  
Vepery  
Chennai 600 007
- 3 The Superintendent of Prison  
Central Prison  
Puzhal, Chennai 600 066
- 4 The Inspector of Police  
W.5, All Women Police Station  
Vepery  
Chennai 600 007

Respondents



H.C.P.No.775 of 2022

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records made in the impugned order memo No.BCDFGISSSV/67/2022 dated 12.04.2022, passed by the Commissioner of Police, Greater Chennai, Vepery, Chennai 600 007, the second respondent and quash the same as illegal and direct the respondents to produce the detenu Mohammed Zaid, aged about 27 years, S/o.Dawood Haroon, residing at No.25, Lilly White Apartment, Millers Road, Kilpauk, Chennai-10, and now confined in the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu  
For Respondents : Mr.R.Muniyapparaj  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the father of the detenu. The detenu *viz.*, Mohammed Zaid, aged about 27 years, S/o.Dawood Haroon has been detained by the 2<sup>nd</sup> respondent, by his order dated 12.04.2022 in BCDFGISSSV No.67/2022, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) 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 and we have also perused the records carefully.

3. Though the learned counsel for the petitioner has raised several other



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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.51 and 52 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.67/2022 dated 12.04.2022, passed by the 2<sup>nd</sup> respondent is set aside. The detenu viz., Mohammed Zaid, aged about 27 years, S/o.Dawood Haroon, is directed to be released forthwith, unless his detention is required in connection with any other case.

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Issue order copy by 14.12.2022

[P.N.P., J.] [N.A.V., J.]  
13.12.2022



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P.N.PRAKASH, J.

AND

N. ANAND VENKATESH, J.

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To

1 The Secretary to Government  
Home, Prohibition and Excise Department  
Fort St. George  
Chennai 600 009

2 The Joint Secretary to Government  
Public, Law and Order Department  
Secretariat, Chennai-9

3 The Commissioner of Police  
Greater Chennai  
Vepery, Chennai 600 007

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4 The Superintendent of Prison  
Central Prison  
Puzhal, Chennai 600 066

5 The Inspector of Police  
W.5, All Women Police Station  
Vepery  
Chennai 600 007

6 The Public Prosecutor  
High Court, Madras

13.12.2022