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H.C.P.No.905 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

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

H.C.P.No.905 of 2022

Priyadharshini

Petitioner

v

The State represented by

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Fort St. George
Chennai 600 009
- 2 The District Magistrate and District Collector
Namakkal District, Namakkal
- 3 The Superintendent of Police
Namakkal District, Namakkal
- 4 The Superintendent
Central Prison, Salem
- 5 The Inspector of Police
Namakkal Police Station
Namakkal District

Respondents



H.C.P.No.905 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 in C.M.P.No.12/Drug Offender/2022 (M1) dated 13.05.2022 on the file of the District Magistrate and District Collector, Namakkal District, Namakkal, the second respondent herein and quash the same as illegal and direct the respondent to produce the detenu Prabhu @ Chilly Prabhu, aged about 30 years, S/o.Sivagnanam, now confined at the Central Prison, Salem, before this Hon'ble Court and set him at liberty.

For Petitioner Ms.S.Sengkodi
For Respondents Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu. The detenu viz., Prabhu @ Chilly Prabhu, aged about 30 years, S/o.Sivagnanam has been detained by the 2nd respondent, by his order dated 13.05.2022 in C.M.P.No.12/Drug Offender/2022 (M1), 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 and we have also perused the records carefully.



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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 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 No.19 of the booklet, it is clear that the arrest intimation 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 C.M.P.No.12/Drug Offender/2022 (M1) dated 13.05.2022, passed by the 2nd respondent is set aside. The detenu viz., Prabhu @ Chilly Prabhu, aged about 30 years, S/o.Sivagnanam, 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 07.12.2022

[P.N.P., J.]

[N.A.V., J.]

06.12.2022



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P.N.PRAKASH, J.

AND

N. ANAND VENKATESH, J.

gya

To

- 1 The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3 The District Magistrate and District Collector
Namakkal District, Namakkal
- 4 The Superintendent of Police
Namakkal District, Namakkal
- 5 The Superintendent
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- 6 The Inspector of Police
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- 7 The Public Prosecutor
High Court, Madras

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