



WEB COPY



HCP No.947 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.947 of 2022

Syed Hussain
S/o.Syed Imtiaz

... Petitioner

Vs.

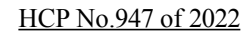
1.State of Tamil Nadu
represented by its
Secretary to Government,
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai, E.V.R. Periyar Salai,
Vepery, Chennai - 600 007.

3.The Superintendent of Police,
Central Prison, Puzhal.

4.The Inspector of Police,
F-4 Thousand Light Police Station,
Chennai.

... Respondents



For Petitioner : Mrs.R.Subadradevi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



HCP No.947 of 2022

2. We have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though 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 order pertaining to the ground case has not been properly translated in vernacular language. 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.723 and 725 of the booklet, it is clear that the remand order pertaining to the ground case has not been properly translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



HCP No.947 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in 56/BCDFGISSSV/2022 dated 08.04.2022, passed by the second respondent is set aside. The detenu, viz., Syed Hussain S/o.Syed Imtiaz, aged about 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
07.11.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai, E.V.R. Periyar Salai,
Vepery, Chennai - 600 007.
- 3.The Superintendent of Police,
Central Prison, Puzhal.
- 4.The Inspector of Police,
F-4 Thousand Light Police Station,
Chennai.



HCP No.947 of 2022

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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HCP No.947 of 2022

P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.
gm

H.C.P.No.947 of 2022

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