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H.C.P.No.1051 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**

Habeas Corpus Petition No.1051 of 2022

Sarasu

..... Petitioner

-Versus-

- 1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Prohibition & Excise Department,
Fort St. George, Chennai 600 009.
- 2.The District Magistrate and District Collector,
Thiruvallur District, Thiruvallur.
- 3.The Superintendent of Police,
Thiruvallur District, Thiruvallur.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 5.The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

.... Respondents



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Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to the detention order dated 11.04.2022 passed by the second respondent in BCDFGISSSV No.12 of 2022 and to quash the same and direct the respondents herein to produce the petitioner's son Suresh Son of Ponnusamy, aged 27 years, now, confined in Central Prison, Puzhal, Chennai, before this court and set him at liberty.

For Petitioner : Mr.P.Chanseasekar

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

[Order of the Court was made by P.N.PRAKASH.J.,]

The petitioner is the mother of the detenu viz., Suresh. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.12 of 2022 dated 11.04.2022 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.



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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 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 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.18 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 BCDFGISSSV No.12/2022 dated 11.04.2022 passed by the



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second respondent is set aside. The detenu viz., Suresh, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (N.A.V.,J.)
06..12..2022

Index: Yes/No
kmk



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Central Prison, Puzhal, Chennai.
5. The Inspector of Police,
Arambakkam Police Station,
Thiruvallur 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.



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