



WEB COPY



HCP No.1083 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1083 of 2022

Sabina Banu
W/o.Yusuf

... Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai - 9.

2.The District Collector and District Magistrate,
Vellore District, Vellore - 9.

3.The Superintendent of Police,
Vellore District, Vellore.

4.The Superintendent,
Central Prison, Salem,
Salem District.

5.The Inspector of Police,
Vellore North Law and Order Police Station,
Vellore, Vellore District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records relating to the impugned order in C3/D.O.No.69/2022 dated 30.05.2022 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the detenu, namely, Yusuf @ Bakra S/o.Kureshkhan, aged about 43 years, now confined at Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.G.Vinodh Kumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, Yusuf @ Bakra S/o.Kureshkhan, aged about 43 years. The detenu has been detained by the second respondent by his order in C3/D.O.No.69/2022 dated 30.05.2022, 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 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 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.20 and 21 of the booklet, it is clear that the arrest intimation 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.



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In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.69/2022 dated 30.05.2022, passed by the second respondent is set aside. The detenu, viz., Yusuf @ Bakra S/o.Kureshkhan, aged about 43 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [NAV, J.]
20.12.2022

Index: Yes/No
gm

To

- 1.The Secretary to Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai - 9.
- 2.The District Collector and District Magistrate,
Vellore District, Vellore - 9.
- 3.The Superintendent of Police,
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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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