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H.C.P.No.1610 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.1610 of 2022

Vijayakumar

.. Petitioner

Vs

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

.. Respondents



H.C.P.No.1610 of 2022

Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 08.04.2022 in B3/D.O.No.12/2022 against the petitioner's brother Ravi, male, aged 37 years, S/o.Gopal, who is confined at the Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.Mohamed Saifullah for
Mr.D.Balaji

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Mady by *P.N.PRAKASH, J.*)

The petitioner is the brother of the detenu Ravi, male, aged 37 years, S/o.Gopal. The detenu has been detained by the second respondent by his order in Memo B3/D.O.No.12/2022 dated 08.04.2022, 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 his argument on the ground that the remand extension order 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 Nos.48 and 50 of the booklet, it is clear that the remand extension order 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 Memo B3/D.O.No.12/2022 dated 08.04.2022, passed by the second respondent is set aside. The detenu, viz., Ravi, male, aged 37 years, S/o.Gopal, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKRJ)
19.10.2022

Index: Yes/No
nsd



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To

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Ranipet District, Ranipet.
- 4.The Superintendent of Prison,
Central Prison,
Salem.
- 5.The Inspector of Police,
Arcot Town Police Station,
Ranipet 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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