



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

H.C.P.No.1955 of 2021

Kasthuri Thilagam
W/o.Murugan

.. Petitioner

Vs.

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Detaining Authority,
Coimbatore City.
- 3.The Inspector of Police,
Law and Order D-3 Podanur Police Station,
Coimbatore City.
- 4.The Superintendent of Prison,
Central Prison,
Coimbatore - 641 018.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records connected with the detention order in C.No.41/G/IS/2021 dated 17.09.2021 on the file of the second respondent and quash the same and direct the respondents to produce the petitioner's son Tamilarasan s/o.Murugan, aged about 22 years, now confined at Central Prison, Coimbatore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Saravanakumar

For Respondents: Mr.M.Babu Muthu Meeran
Additional Public Prosecutor



ORDER

[Order of the Court was made by A.A.NAKKIRAN, J]

WEB COPY

The petitioner is the mother of the detenu viz., Tamilarasan s/o.Murugan, aged about 22 years. The detenu has been detained by the second respondent by his order in C.No.41/G/IS/2021 dated 17.09.2021, holding him to be a "Drug Offender", as contemplated under Section 2(e) of the 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. 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 "form of order for detention and custody" 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.66 and 67 of the booklet, it is clear that the "form of order for detention and custody" 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.No.41/G/IS/2021 dated 17.09.2021 passed by the second respondent is set aside. The detenu, viz., Tamilarasan s/o.Murugan, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gm



To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Detaining Authority,
Coimbatore City.
- 3.The Inspector of Police,
Law and Order D-3 Podanur Police Station,
Coimbatore City.
- 4.The Superintendent of Prison,
Central Prison,
Coimbatore - 641 018.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1955 of 2021

BP(CO)
SB(20/04/2022)