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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice A.A.NAKKIRAN

H.C.P.No.2012 of 2021

V.Kannan @ Gandhi Kannan

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
2. The Commissioner of Police,
Coimbatore City.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore City.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the records relating to the order passed by the 2nd respondent in C.No.27/G/IS/2021 dated 23.07.2021 and quash the same and further direct the respondents to produce the body of the detenu viz., V.Kannan @ Gandhi Kannan, now confined at the Central Prison, Coimbatore, before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
for Mr.T.Saravanan

For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor



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

The petitioner is the detenu V.Kannan @ Gandhi Kannan, son of Vettaiyappan, aged 47 years. The detenu has been detained by the second respondent by his order in C.No.27/G/IS/2021 dated 23.07.2021, 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.

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 arrest intimation has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor strongly opposed the habeas corpus petition by filing his counter affidavit.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.69 and 79 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 C.No.27/G/IS/2021 dated 23.07.2021, passed by the second respondent is set aside. The detenu, viz., V.Kannan @ Gandhi Kannan, son of Vettaiyappan, aged 47 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
2. The Commissioner of Police,
Coimbatore City.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore City.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Saravanan, Advocate SR. No. 29315

H.C.P.No.2012 of 2021

VSNII (CO)
PR (02/05/2022)