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H.C.P.No.2162 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

Coram

The Honourable Mr. Justice **S.VAIDYANATHAN**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

H.C.P.No.2162 of 2021

Geetha

.. Petitioner

Vs

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai – 7.
- 3.The Superintendent of Prison,
Central Prison – Puzhal II,
Puzhal, Chennai.
- 4.The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.

.. Respondents



H.C.P.No.2162 of 2021

Petition filed under Article 226 of the Constitution of India to

issue a writ of Habeas Corpus calling for the records in BCDFGISSSV No.350/2021 passed by the 2nd respondent on 23.11.2021 on the file of the 2nd respondent and quash the same as illegal and consequently, direct the respondents to produce the petitioner's son Devaraj @ Deva @ Psycho Deva, son of Elumalai, aged about 24 years, before this Court, who is now detained in the Central Prison, Puzhal – II and set him at liberty.

For Petitioner : Mr.A.Elumalai

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

ORDER

S.VAIDYANATHAN, J.

and

A.D.JAGADISH CHANDIRA, J.

The petitioner is the mother of the detenu Devaraj @ Deva @ Psycho Deva, son of Elumalai, aged about 24 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.350/2021 dated 23.11.2021, 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.



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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 and we have also perused the records carefully.

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 third paragraph in the ground of the detention has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole 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.4 and 5 of the booklet, it is clear that the third paragraph in the ground of the detention 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 BCDFGISSSV No.350/2021 dated 23.11.2021, passed by the second respondent is set aside. The detenu, viz., Devaraj @ Deva @ Psycho Deva, son of Elumalai, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(S.V.N., J.) (A.D.J.C., J.)
05.07.2022

Index: Yes/No
nsd



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To

- 1.The Secretary to Government,
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Chennai.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai – 7.
- 3.The Superintendent of Prison,
Central Prison – Puzhal II,
Puzhal, Chennai.
- 4.The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
- 5.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 6.The Public Prosecutor,
High Court, Madras.



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S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

nsd

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