



WEB COPY



H.C.P.No.1185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1185 of 2023

Divya
W/o Sridhar

..

Petitioner

v.

1. State of Tamil Nadu
rep.by the Additional Secretary
Home, Prohibition and Excise Department
Fort St.George
Chennai 600 009

2. The Commissioner of Police
Avadi City
Type V, Qtr No.5/1, HVF Estate
Avadi, Chennai 600 054

3. The Inspector of Police
T-7, Tank Factory Police Station
Chennai

4. The Superintendent of Prison
Central Prison-II, Puzhal
Chennai 600 066

..

Respondents



H.C.P.No.1185 of 2023

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.145/BCDFGISSSV/2023 dated 10.06.2023 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Thiru.Sridhar, S/o Elumalai, aged about 22 years, the detenu now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's husband Thiru.Sridhar, S/o Elumalai, aged about 22 years the detenu herein at liberty.

For Petitioner :: Mr.R.Muthukumar

For Respondents :: Mr.E.Raj Thilak
 Additional Public Prosecutor
 assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner, who is the wife of the detenu, namely, Sridhar, aged 22 years, S/o Elumalai, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 10.06.2023 slapped on her husband, branding him as 'Drug Offender' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders,



H.C.P.No.1185 of 2023

Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel appearing for petitioner pointed out from pages 104 to 106 of the booklet that the translated version of the bail order in CrI.M.P.No.1842 of 2020 passed by the Principal Special Court, Chennai dated 15.12.2020 in respect of the accused in similar case, which has been relied upon by the detaining authority, is not readable. Therefore, the detenu was deprived of an opportunity to make an effective representation. On this score, the detention order is liable to be quashed.

4. This Court finds that though the vernacular bail order relied upon by the detaining authority is enclosed in the booklet at pages 104 to 106, the



H.C.P.No.1185 of 2023

same is not readable, which has deprived the detenu of an opportunity to make an effective representation. The non-supply of the translated version to the detenu vitiates the detention order, as held by the Hon'ble Supreme Court in the case of *Powanammal Vs. State of Tamil Nadu*, (1999) 2 SCC 413 holding that what applies to a document, would equally apply to furnishing translated copy of the document in the language known to and understood by the detenu. On this score, the impugned order is liable to be set aside.

5. Accordingly, the detention order passed by the 2nd respondent dated 10.06.2023 in No.145/BCDFGISSSV/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Sridhar, S/o Elumalai, aged 22 years, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (S.M.,J.)
10.11.2023

SS



H.C.P.No.1185 of 2023

To

WEB COPY

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai 600 009
2. The Commissioner of Police
Avadi City
Type V, Qtr No.5/1, HVF Estate
Avadi, Chennai 600 054
3. The Inspector of Police
T-7, Tank Factory Police Station
Chennai
4. The Superintendent of Prison
Central Prison-II, Puzhal
Chennai 600 066
5. The Public Prosecutor
High Court, Madras



WEB COPY



H.C.P.No.1185 of 2023

S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

H.C.P.No.1185 of 2023

10.11.2023