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HCP.No.1449/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1449/2023

Parvathi Devi

... Petitioner

Vs.

- 1.The Principal Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, St. George Fort,
Chennai – 600 009.
- 2.The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police,
E.V.K.Sampth Salai, Vepery, Chennai – 600 007.
- 3.The Inspector of Police,
PEW Adayar Police Station,
Chennai.
- 4.The Superintendent of Prison,
Central Prison II,
Puzhal, Chennai.

... Respondents



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Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records of the second respondent relating to the Detention order bearing No.136/BCDFGISSSV/2023 dated 27.04.2023 and to quash the same and to direct the production of the detenue petitioner's husband Mr.Arjun doss son of Badhal doss, aged 35 years, now confined in Central Prison, Puzhal before this Hon'ble Court and to set him at liberty.

For Petitioner : Mr.M.Ravindhar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.S.SUNDAR, J]

(1)The petitioner, who is the wife of the detenu, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 27.04.2023 slapped on her husband, branding him as "Drug Offender" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

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



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(3) A perusal of the Booklet furnished to the detenu would reveal that the entire Booklet is in English and Tamil languages. Admittedly, the detenu is a person hailing from Bihar and he is not a person who could read and write either Tamil or English as he has studied only 5th standard. Further, the confession statement obtained from the detenu is in Tamil. The non-furnishing of the Booklet in the language known to the detenu would deprive him of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on this ground and the same is liable to be quashed.

(4) In view of the aforesaid reasons, the detention order passed by the 2nd respondent dated 27.04.2023 in BCDFGISSSV No.136/2023 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Arjundoss S/o.Badhal Doss, aged 35, is directed to be set at liberty forthwith unless he is required in connection with any other case.

[S.S.S.R., J.] [S.M., J.]
04.10.2023

AP

Internet: Yes



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To

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- 5.The Public Prosecutor,
High Court, Madras.



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S.S. SUNDAR, J.,
and
SUNDER MOHAN, J.,

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