



H.C.P.No.1813 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 20.12.2023

CORAM :

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

H.C.P.No.1813 of 2023

Mrs.Kokila @ Kodhainayagi
W/o Shanmugasundaram

..

Petitioner

v.

1. State of Tamil Nadu rep.by
Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009

2. The Commissioner of Police
Greater Chennai, Vepery
Chennai 600 008

3. The Superintendent of Prison
Central Prison, Puzhal
Chennai 600 066

4. The Inspector of Police
Prohibition and Enforcement Wing
Annanagar West Police Station
Chennai 600 106

..

Respondents



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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 354/B.C.D.F.G.I.S.S.S.V/2023 dated 10.08.2023 passed by the 2nd respondent and quash the same and direct the respondents to produce the detenu Venkatesh Perumal @ Simon, now confined at Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.M.Krishnamoorthy

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 mother of the detenu, namely, Venkateshperumal @ Simon, aged 29 years, S/o Shanmugasundaram, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 10.08.2023 slapped on her son, branding him as 'Drug Offender' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, 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).



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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 writ petition, learned counsel appearing for the petitioner pointed out that the remand order relied upon by the detaining authority does not refer to the intimation regarding arrest given to the relatives of the detenu. However, the translated copy of the said order shows that the arrest intimation was given to the relatives of the detenu. Similarly, in the remand extension order, it is stated that the detenu was produced. Whereas in the translated copy of the remand extension order, it is mentioned that the detenu was produced through video conferencing. The improper translation of the remand order as well as the remand extension order has deprived the detenu of his valuable right to make an effective representation. Therefore, the learned counsel submitted that the impugned detention order is liable to be set aside.

4. On perusal of page 63 of the booklet, this Court finds that in the remand order dated 14.07.2023, there is no reference to any arrest



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intimation given to the relatives of the detenu. Similarly, in the remand extension order dated 28.07.2023, it is stated that the accused was produced.

However, in the translated version of both the remand order as well as in the remand extension order found at page 65, it is mentioned that the arrest intimation was given to the relatives of the detenu and that the detenu was produced through video conferencing. The improper translation of the remand order as well as the remand extension order has deprived the detenu of his valuable right to make an effective representation. On this score, the impugned detention order is liable to be quashed.

5. Accordingly, the detention order passed by the 2nd respondent dated 10.08.2023 in No.354/BCDFGISSSV/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Venkateshperumal @ Simon, S/o Shanmugasundaram, aged 29 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
ss

(S.S.S.R.,J.) (S.M.,J.)
20.12.2023



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To

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