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H.C.P.No.298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.298 of 2024

Chitra
detenue

... Petitioner/mother of the

Vs.

1.The Secretary to the Government,
Home Prohibition and Excise Department,
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent,
Central Prison,
Puzhal.

4.The Inspector of Police,
C1 Flower Bazaar Police Station,
Chennai.

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to direct the



H.C.P.No.298 of 2024

respondents to produce the body of the detenu, Dinesh, son of late Periyasamy, aged about 24 years, who is detained in Central Prison, Puzhal, Chennai, before this Court and to call for the records of detention order passed by the second respondent in No.686/BCDFGISSSV/2023 dated 23.12.2023 against the detenu and set aside the same and set the detenu at liberty.

For Petitioner	:	Mr.P.Bakiyaraj
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor assisted by Mr.C.Aravind

ORDER

M.S.RAMESH J.
and
SUNDER MOHAN, J.

The petitioner, mother of the detenu viz., Dinesh, son of late Periyasamy, aged about 24 years, detained in Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 23.12.2023 slapped on her son, 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



H.C.P.No.298 of 2024

Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

WEB COPY 2. Heard the learned counsel 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 for the petitioner submitted that though the Detaining Authority has provided the English version of the 'Despatch of Report/Return of Examined/Unexpended Items' issued by the Forensic Sciences Department, the translated copy of the same has not been furnished to the petitioner in vernacular language, as seen from the Booklet. It is in this circumstances, the learned counsel stated that serious prejudice has been caused to the petitioner for making effective representation.

4. The above issue is already covered by the Hon'ble Supreme Court in the case of '*Powanammal Vs. State of Tamil Nadu*' reported in '*(1999) 2 SCC 413*', wherein, the Hon'ble Supreme Court has held 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. In the



H.C.P.No.298 of 2024

said judgment, the Hon'ble Supreme Court has further held as follows :

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“6.The short question that falls for our consideration is whether failure to supply the Tamil version of the order of remand passed in English, a language not known to the detenue, would vitiate her further detention.....

16. For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed.”

5. On a perusal of the Booklet, in particular, Page No.95, which is the English version of 'Despatch of Report/Return of Examined/Unexpended Items' issued by the Department of Forensic Sciences and the translated copy of the said document has not been furnished to the detenu for making effective representation. Since a specific stand has been taken that serious



H.C.P.No.298 of 2024

prejudice is caused to the petitioner, this Court finds that the failure to furnish translated copy of the order passed in the similar case also vitiates the Detention Order.

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order is liable to be quashed.

7. Accordingly, the detention order passed by the second respondent on 23.12.2023 in No.686/BCDFGISSSV/2023, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Dinesh, son of late Periyasamy, aged about 24 years, detained in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(M.S.R., J.) (S.M., J.)
29.04.2024

Anu

Index : Yes / No

Neutral Citation : Yes / No

Page 5 of 7



WEB COPY



H.C.P.No.298 of 2024



WEB COPY



H.C.P.No.298 of 2024

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To

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2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent,
Central Prison,
Puzhal.

4.The Inspector of Police,
C1 Flower Bazaar Police Station,
Chennai.

5.The Joint Secretary,
Law and Order Department,
Secretariat, Chennai.

6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.298 of 2024

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