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HCP.No.1370 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1370 of 2024

Syed Banu

... Petitioner

Vs.

1. The Addl. Chief Secretary to Government,
Home, Prohibition and Excise (XVI) Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai,
Chennai District.
3. The Superintendent of Prison,
Central Prison at Puzhal,
Chennai Dt.-600 066.
4. The Inspector of Police,
E-1 Mylapore Police Station,
Greater Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in Detention Order in No.477/BCDFGISSSV/2024 dated 09.05.2024 on the file of 2nd respondent and set aside the same and direct the respondents herein to produce the body of the Husband of petitioner/detenu Mr.Imran, S/o. Abdul Ajees, aged 40 years, now confined in Central Prison at Puzhal before this Court and set him at liberty.

For Petitioner : Mr.M.Mohamed Saifulla

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

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the Commissioner of Police, Greater Chennai in proceedings No. 477/BCDFGISSSV/2024, dated 09.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.Admittedly, the known language to the detenu in the present case is 'Tamil'. The Government order conferring the power of the detaining authority to issue detention order was issued without translating the same in Tamil language. In other words, the Government Order furnished to the detenu is in unknown language to the detenu, which would vitiate the entire proceedings.



HCP.No.1370 of 2024

WEB COPY

3. The non supply of translated version of the Government Order in Tamil caused prejudice to the detinue for submitting effective representation, which is a valuable right provided to the detinue under the Act.

4. Thus, the impugned order of detention in proceedings No. 477/BCDFGISSSV/2024, dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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To

1. The Addl. Chief Secretary to Government,
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