



WEB COPY



HCP.No.1768 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

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

H.C.P.No.1768 of 2024

Chinnadurai

.... Petitioner

Vs

- 1 The Principal Secretary To Government,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2 The Commissioner of Police
Tambaram City.
- 3 The Superintendent of Prison
Central Prison, Puzhal,
Chennai - 66.
- 4 The Inspector of Police, L & O,
T-5 Kundrathur Police Station
Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records in Connection with the order of Detention



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passed by the second respondent dated 18.03.2024 in BCDFGISSSV No.40/2024 against the Petitioner's son, namely C.Karthik, Male, aged 21 years, S/o.Chinnadurai, who is Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Honble Court and set him at Liberty.

For Petitioner : Mr. S.Senthilvel
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by the Commissioner of Police, Tambaram City, in BCDFGISSSV No.40/2024 dated 18.03.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The detenue in this case is a school dropouts. The translated version of the Government Order conferring power of the detaining authority has not been given to the detenue.



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

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in BCDFGISSSV No.40/2024, dated 18.03.2024 is quashed and the Habeas Corpus Petition is allowed. The detainee, viz., C.Karthik, Male, aged 21 years, S/o.Chinnadurai, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

12.08.2024

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

To

- 1 The Principal Secretary To Government,
Home Prohibition And Excise Department,
Secretariat Chennai - 600 009.



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

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