



WEB COPY



HCP.No.1840 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

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

H.C.P.No.1840 of 2024

Sambath

...Petitioner /brother of the detenue

Vs

- 1 The Secretary To The Government,
Home Prohibition and Excise Department
Secretariat, Chennai - 600 009.
- 2 District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.
- 3 The Superintendent of Police,
Kancheepuram District, Kancheepuram
- 4 The Superintendent of Prison
Special Prison for Women, Vellore.
- 5 The Inspector Of Police
Magaral Police Station,
Kancheepuram District.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the entire records in connection with the order of Detention passed by the second respondent dated 17.07.2024 in Rc.No.181/2024/M6-D.O.No.38/2024 against the petitioner's sister Kokila, Female aged 38 years, W/o.Renganathan, who is confined at Special Prison for women, Vellore and set aside the same and direct the respondents to produce the detainee before the Honble Court and set him at Liberty.

For Petitioner : Mr.P.,Raman
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 District Collector and District Magistrate, Kancheepuram, in Rc.No.181/2024/M6-D.O.No.38/2024 dated 17.07.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The main ground raised in the Habeas Corpus Petition by the petitioner is that the Arrest Intimation Form in page No.11 of Volume-I, in the typed set of papers served on the detainee, has not been translated.



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3. Since the important document has not been translated in the language known to the detenue and served to her, the same caused prejudice to the detenue for submitting an effective representation under the Act 14 of 1982.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in Rc.No.181/2024/M6-D.O.No.38/2024 dated 17.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Kokila, Female aged 38 years, W/o.Renganathan, now confined at Special Prison for women, Vellore, is directed to be set at liberty forthwith, unless she is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

30.08.2024

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

To

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



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2 District Collector and District Magistrate,
Kancheepuram District
Kancheepuram.

3 The Superintendent of Police
Kancheepuram District, Kancheepuram

4 The Superintendent of Prison
Special Prison for Women, Vellore.

5 The Inspector Of Police
Magaral Police Station,
Kancheepuram District.

6. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George, Chennai.

7. The Public Prosecutor,
High Court, Madras.



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AND
V.SIVAGNANAM, J.

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