



HCP.No.1923 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

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

H.C.P.No.1923 of 2024

Jeevanatham

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

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

4.The Inspector of Police,
S7 Madipakkam Police Station,
Madipakkam, Chennai 600 117.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, call for the records of the 2nd respondent herein in detention



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order No.BCDFGISSSV No.490/2024 dated 10.05.2024 and setting aside the order of detention passed therein and setting the detenu, Jeevanantham aged 22 years and set him at liberty now detained in Central Prison, Puzhal II, Chennai.

For Petitioner : Mr. R.Iyyappan
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 second respondent herein in No.BCDFGISSSV No.490/2024 dated 10.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The ground taken in the present petition is that the detenue was arrested on 05.04.2024 and the impugned order of detention has been issued on 10.05.2024 after a lapse of one month. That apart, the Government Order furnished to the detenue is in unknown language to the detenue, which would vitiate the entire proceedings.

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



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4. Accordingly, the impugned order of detention in No.BCDFGISSSV No.490/2024 dated 10.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Jeevanantham, Male, aged 22 years, S/o.Manoharan, who is now confined at Central Prison, Puzhal II, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

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[S.M.S., J.]

[V.S.G.,

J.]

Index : Yes/No

20.08.2024

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

1. The State of Tamil Nadu,
Rep.by its Secretary to Government,
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2.The Commissioner of Police,
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3.The Superintendent of Prisons,
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4.The Inspector of Police,
S7 Madipakkam Police Station, Madipakkam, Chennai 600 117.

5.The Public Prosecutor,



High Court, Madras.

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AND
V.SIVAGNANAM, J.

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