



WEB COPY



HCP.No.1974 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM :

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

H.C.P.No.1974 of 2024

Subalakshmi

... Petitioner

Vs.

1.State Represented by its
Home Secretary to the Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner Of Police,
Greater Chennai, Chennai - 600 003.

3.The Inspector of Police (L & O),
N-2, Kasimedu Police Station,
Chennai 13.

4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records relating to the order of detention passed by the 2nd Respondent dated 15.05.2024 in 517/BCDFGISSSV/2024 against the petitioner's son the detenue Varun Kumar male aged about 23 years son of Desingu who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before this Court and set him at liberty.



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For Petitioner : Mr.T.Perinbanathan
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 in 517/BCDFGISSSV/2024, dated 15.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The Government Order furnished to the detainee is in unknown language to the detainee, which would vitiate the entire proceedings.

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

4.Thus, the impugned order of detention in 517/BCDFGISSSV/2024, dated 15.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The



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detenue, namely, Varun Kumar, Male, aged about 23 years, son of Desingu, who is confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

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02.09.2024

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

To

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4.The Superintendent of Prison,
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5.The Public Prosecutor,
High Court, Madras.



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