



WEB COPY



HCP.No.1962 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

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

H.C.P.No.1962 of 2024

Bensilayya

... Petitioner

Vs.

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Commissioner Of Police,
Greater Chennai, Office of the Commissioner of Police,
Vepery, Chennai - 600 054.

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

4.The Inspector Of Police,
E-1 Mylapore Police Station,
Chennai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 09.05.2024 in BCDFGISSSV



HCP.No.1962 of 2024

No.473/2024 against the petitioner's son Dineshkumar, S/o. Bensilayya aged about 26 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Chandrasekar
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 BCDFGISSSV

No.473/2024 dated 09.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

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

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



HCP.No.1962 of 2024

4.Thus, the impugned order of detention in BCDFGISSSV No.473/2024 dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Dineshkumar, S/o.Bensilayya, aged about 26 years, now detained in 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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28.08.2024

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

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5.The Public Prosecutor,
High Court, Madras.



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