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HCP.No.2162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

H.C.P.No.2162 of 2024

R.Parvathi

...

Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),
Vepery, Chennai 600 007.
3. The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai 600 066.
4. The Inspector of Police,
D3 Ice House Police Station,
Chennai 600 005.

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Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention



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order of the 2nd respondent in No.411/BCDFGISSSV/2024 dated 26.04.2024 and quash the same and direct the respondents to produce the body and person of detenue namely Balaji Son of Ravi aged 27 years detained in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Raj Prabhu
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.411/BCDFGISSSV/2024 dated 26.04.2024, 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.



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4.Thus, the impugned order of detention in No.411/BCDFGISSSV/2024 dated 26.04.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detinue, namely, Balaji Son of Ravi aged 27 years, 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.] [A.D.M.C., J.]
26.09.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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S.M.SUBRAMANIAM, J.
AND
DR. JUSTICE A.D.MARIA CLETE, J.

sli

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),
Vepery, Chennai 600 007.
3. The Superintendent of Prison,
Central Prison II, Puzhal,
Chennai 600 066.
4. The Inspector of Police,
D3 Ice House Police Station,
Chennai 600 005.
5. The Public Prosecutor,
Madras High Court.

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