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HCP.No.2217 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.No.2217 of 2024

Mehtha

... Petitioner

Vs.

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

2.The Commissioner of Police,
Greater Chennai.

3.The Inspector of Police,
T – 1, Ambattur Police Station, Chennai.

4.The Superintendent,
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 entire records relating to petitioner's husband detention under TamilNadu Act 14/1982 vide detention order dated 28.06.2024 on the file of the second respondent herein made in proceedings No.91/BCDFGISSSV/2024 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband, namely, Sivakumar, aged 44 years, S/o.Mohanasundaram, before this Court and set him at liberty, now petitioner's husband detained at Central Prison, Puzhal, Chennai-600 066.



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For Petitioner : Mr.C.C.Chellappan
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 proceedings No.91/BCDFGISSSV/2024 dated 28.06.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The learned counsel for the petitioner submitted that the detenu is a school drop out and the arrest memo at Page No.38 of Volume – I has not been translated in the language known to the detenu, which would vitiate the entire proceedings.

3.The non supply of translated version of the abovesaid document 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. Accordingly, the impugned order of detention in proceedings No.91/BCDFGISSSV/2024 dated 28.06.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenu, namely, Sivakumar, aged 44 years, S/o.Mohanasundaram, who is detained 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.] [N.M., J.]
24.09.2024

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



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S.M.SUBRAMANIAM, J.
AND
N.MALA, J.

sli

To

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

2.The Commissioner of Police,
Greater Chennai.

3.The Inspector of Police,
T – 1, Ambattur Police Station, Chennai.

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

5.The Public Prosecutor,
High Court, Madras.

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