



WEB COPY



HCP.No.2603 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2603 of 2024

Sheela

...Petitioner /Mother of the detenu

Vs

1. State of Tamil Nadu,
rep. by its Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai.
3. The Inspector of Police,
M-3 Puzhal Police Station,
Chennai.
4. The Superintendent
Central Prison,
Puzhal, Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, relating to Petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 23.08.2024



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on the file of the second respondent herein made in proceedings NO.882/BCDGISSSV/2024 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's son namely, Mani @ Sanjay, aged 21 years, Son of Arputharaj before this Hon'ble High Court and set him at Liberty now Petitioner's son detained at Central Prison, Puzhal, Chennai - 600 066.

For Petitioner : Mr. V.Parthiban,
for Mr. C.C.Chellappan

For Respondents : Mr.R. Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the Commissioner of Police, Greater Chennai, in No.882/BCDGISSSV/2024 dated 23.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The learned counsel for the petitioner would submit that the Accident Register relied on by the detaining authority has not been translated in the language known to the detenu. That apart, few other documents relied on are also not translated.

3. The learned Additional Public Prosecutor would submit that out of six adverse cases relied on, one case has been registered under Section 302 IPC.



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4. We are of the considered opinion that those cases can be dealt with under regular Penal Law.

5. Considering the fact that improper translation of documents resulted in causing prejudice to the interest of the detenu to submit representation in an effective manner, which is a valuable right conferred under Act 14 of 1982.

6. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.882/BCDGISSSV/2024 dated 23.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Mani @ Sanjay, aged 21 years, S/o. Arputharaj, confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

11.11.2024

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

mrp

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.



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mrp

- To
1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
 2. The Commissioner of Police,
Greater Chennai,
Chennai.
 3. The Inspector of Police,
M-3 Puzhal Police Station,
Chennai.
 4. The Superintendent
Central Prison,
Puzhal, Chennai.
 5. The Public Prosecutor,
High Court, Madras.

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