

(2014) 04 MAD CK 0231
In the Madras High Court
Case No : H.C.P. No. 2517 of 2013

Ramki

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 29-04-2014

Acts Referred:

Madras Prohibition Act, 1937 — Section 4(1)(aaa), 4(1)(H), 4(1A)
Penal Code, 1860 (IPC) — Section 420, 468, 471, 473, 475

Citation : (2014) CriLJ 4655 : (2014) 3 MLJ(Cri) 294

Hon'ble Judges : V. Dhanapalan, J;G. Chockalingam, J

Bench : Division Bench

Judgement

V. Dhanapalan, J.—The petitioner is the detenu. The detenu has been branded as a "Bootlegger" under the Tamil Nadu Act 14 of 1982 and detained under order of the 2nd respondent passed in BDFGISSV No. 136 of 2013 dated 07.10.2013. The ground case alleged against the detenu is one registered on 16.08.2013 by the Inspector of Police, PEW, Chengalpattu in Crime No. 188 of 2013 for offences under Sections 4(1)(aaa), 4(1-A), 4(1)(H) of T.N.P. Act r/w. 7, 13 & 14 of R.S. Rules, 2000 and 420, 468, 471, 473, 475 IPC. Aggrieved by the order of detention, the present petition has been filed.

2. Though learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished legible copy of the screen report of vehicle, which is annexed in the booklet and the same has deprived the detenu to make his effective representation. He has submitted that the said act of detaining authority is against the judgment of the Hon'ble Supreme Court in the case of Manjit Singh Grewal @ Gogi v. Union of India and Others, 1990 (Supp) SCC 59. He has further submitted that translated version of the said report has also not been furnished to the detenu and therefore, on these grounds, the detention order is liable to be quashed.

3. We have heard the learned Additional Public Prosecutor on the above

submission.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page No. 131 of the booklet, it is clear that the detaining authority, by providing illegible copy of document, which is the Screen Report of Vehicle, issued by the Assistant Registering Authority, Alandur, Chennai, has taken away the rights of detenu to effectively defend himself against his detention.

5. The Hon''ble Supreme Court in the case of Manjit Singh Grewal @ Gogi v. Union of India and Others (supra) has been pleased to hold as under:

"3. It appears that the appellant had asked for certain copies of the documents, which admittedly were there with the respondent - Union of India. Copies of the documents were supplied, but the same were not legible. This position is also apparent. It is not necessary in the facts of this case to go into the question whether these documents were relevant or material.

4. In view of the fact that the copies of the documents were, in fact, supplied at the request of the appellant, but the copies supplied were illegible, we are of the opinion, that the safeguards provided by the Constitution have not been followed. In that view of the matter the decision of the High Court cannot be sustained and, therefore, is set aside. The Order of detention dated June 9, 1988 is quashed and the appellant be set at liberty unless he is required in respect of any other proceedings."

6. Further, once a document is relied on by the detaining authority for detaining the detenu, it is obligatory on the part of detaining authority to provide a copy of the same in the language known to the detenu. But to the contrary, the detaining authority has failed to furnish the translated version to the detenu in this case. Thus, in the light of the above settled position, in view of non supply of copy of report in vernacular language and also considering the fact that safeguards provided by the Constitution have not been followed, the impugned detention order passed by the 2nd respondent, detaining the detenu Ramki, S/o. Chinnathambi, made in BDFGISSV No. 136 of 2013 dated 07.10.2013 is quashed and the Habeas Corpus Petition is allowed. The above named detenu, who is detained at the Central Prison, Puzhal, Chennai, is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.