

(2006) 03 MAD CK 0197

In the Madras High Court

Case No : Habeas Corpus Petition No. 1244 of 2005

Saravanan

APPELLANT

Vs

The Secretary to the Government, Prohibition and Excise
Dept. and The Commissioner of Police

RESPONDENT

Date of Decision : 06-03-2006

Acts Referred:

Citation : (2006) 03 MAD CK 0197

Hon'ble Judges : P. Sathasivam, J; J.A.K. Sampathkumar, J

Bench : Division Bench

**Advocate : V. Parthiban, for Vanitha, for the Appellant; Abudu Kumar
Rajarithnam, Government Advocate, for the Respondent**

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The petitioner herein challenges the impugned order of detention, dated 29.09.2005, detaining him as "Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that by drawing our attention to Rough Sketch which is available at page 115 of the paper book, contended that in the absence of Tamil translation, the detenu was unable to understand the contents and confused. He further contended that this aspect though pointed out, was not considered by the Government. Learned Government Advocate has brought to our notice that in the Observation Mahazar attested by two witnesses, all the details namely, the names of various roads, junction, place of occurrence etc., were neatly mentioned in the language known to the detenu. We verified the Observation Mahazar which is available at page

117 of the paper book. As rightly pointed out, it contains all the details in Tamil as mentioned in the Rough Sketch available at page 115. Further, the First Information Report also speaks about the place of occurrence. In such a circumstance and in view of the details available in the Observation Mahazar in the language known to the detenu, we are unable to appreciate the first contention raised by the learned counsel for the petitioner.

2. Finally learned counsel for the petitioner by pointing out page No. 161 of the paper book which is a Special Report of the sponsoring authority, would submit that it is not clear whether the said report was sent to the detaining authority along with the covering letter etc. According to him, in the absence of such information, the ultimate order passed by the detaining authority cannot be sustained. As against this, learned Government Advocate has brought to our notice that first of all the report available at page 161 is not a relied on document by the detenu. According to him, the detaining authority basing reliance on a remand order which is available at page 167 of the paper book and after satisfying himself that on the date of the passing of the detention order the detenu was very well in remand by an order of Court and taking note of his antecedents and other activities passed the detention order. In the light of the explanation, we accept the same and find no merit in the contrary contention raised by the learned counsel for the petitioner.

3. In the light of what is stated above, we do not find any valid ground for interference; accordingly the petition fails and the same is dismissed.