
(2006) 07 MAD CK 0154

In the Madras High Court

Case No : Habeas Corpus Petition No. 415 of 2006

Valli

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 04-07-2006

Acts Referred:

Citation : (2006) 07 MAD CK 0154

Hon'ble Judges : V. Dhanapalan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : L. Poompavai, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, who is the wife of the detenu by name Murali, who is detained as a ""Bootlegger"" 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), by the impugned detention order dated 31.03.2006, challenges the same in

this Petition.

2. Heard learned Counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned Counsel appearing for the petitioner, by drawing our attention to the relevant paragraphs in the grounds of detention,

both English and Tamil version, has contended that though it is stated at one place that the detenu was lodged at Central Prison, Vellore, in the

penalty-mate paragraph, the detaining authority has informed the detenu that

""if he wishes to make any representation to the State Government, he should address it to the Secretary to the Government, Prohibition and Excise Department, Fort St. George, Chennai-600 009 through the Superintendent, Central Prison, Vellore, in which he is going to be detained, as expeditiously as possible."" The same has been correctly stated in the Tamil version of the grounds of detention. However, the point is that though the detaining authority has specifically stated in the detention order that the detenu was remanded for 15 days by the Judicial Magistrate No. II, Cheyyar, and lodged in the Central Prison, Vellore, it is not clear in respect of making representation to the Government and the Advisory Board wherein the detaining authority has stated that he is going to be detained in Central Prison, Vellore. Inasmuch as the same mistake occurred in the Tamil version also, it is the grievance of the detenu that he was confused and he could not make effective representation. On going through the above statement, we verified the English and Tamil version of the grounds of detention. We agree with the said contention. We are satisfied that because of the error in para 6 of both English and Tamil version of grounds of detention, the detenu was prevented from making effective representation. On this ground, the detention order is liable to be quashed and accordingly, the same is quashed.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.