

(2006) 03 MAD CK 0034

In the Madras High Court

Case No : Habeas Corpus Petition No. 1295 of 2005

Venkatesan @ Blade Venkatesan

APPELLANT

Vs

The Secretary to Government, Prohibition and Excise
Department and The Commissioner of Police

RESPONDENT

Date of Decision : 27-03-2006

Acts Referred:

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 3(1), 8(1)

Citation : (2006) 03 MAD CK 0034

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

Bench : Division Bench

Advocate : S. Jothivani, for the Appellant; V. Arul, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The petitioner, by name Venkatesan challenges the impugned order of detention dated 17.10.2005, detaining him as

Goonda"" u/s 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral

Traffic Offenders and Slum Grabbers Act, 1982 (in short ""Tamil Nadu Act 14 of 1982"").

2. Heard both sides.

3. Learned counsel appearing for the petitioner, at the foremost, submitted that there is delay in forwarding grounds of detention to the detenu.

4. It is not in dispute that the detention order was passed on 17.10.2005 and grounds of detention was supplied to the detenu on 21.10.2005. As

per Section 8(1) of the Act, when a person is detained in pursuance of a

detention order, the authority making the order shall forward /

communicate the grounds on which the order has been made immediately, but in any case, not later than five days from the date of detention. In

view of the above provision and of the fact that the grounds on which the detention order was passed were communicated to the detenu on

21.10.2005, it cannot be claimed that there was undue delay on the part of the detaining authority in communicating the same. Accordingly, we

reject the said contention.

5. Secondly, the learned counsel for the petitioner submits that the detention order was not communicated to anyone in his family. The learned

Government Advocate (Criminal Side) by placing the records, has brought to our notice that the passing of detention order was communicated to

the mother of the detenu on 18.10.2005, i.e. on the next day of the detention order.

6. We verified the same from the records and we find no truth in the contention raised by the learned counsel for the petitioner.

7. Finally, the learned counsel for the petitioner, by drawing our attention to narration of facts in para 3 of the order of detention, would submit that

though the detenu was remanded by an order by VIII Metropolitan Magistrate, George Town, Chennai in the English version of the grounds, it is

stated as XIII Metropolitan Magistrate, George Town. The learned counsel, by pointing out the fact that inasmuch as the remand order was

passed only by VIII Metropolitan Magistrate, George Town, Chennai, the reference made to XIII Metropolitan Magistrate amply shows the non-

application of mind on the part of the detaining authorities.

8. We verified the remand order passed by the learned Magistrate and the Tamil version of the grounds of detention. It shows that the detenu was

remanded only by VIII Metropolitan Magistrate, George Town and not by XIII Metropolitan Magistrate. The same has been correctly referred to

in the Tamil version of the grounds supplied to the detenu. It is not in dispute that the detenu is conversant only with Tamil language. In view of the

fact that the same has been correctly stated in the Tamil grounds of detention, we are of the view that merely because in the English version, it is

stated as XIII Metropolitan Magistrate, George Town, it cannot be construed that the detention order passed by the detaining authority is liable to

be quashed. Hence, we reject the said contention also.

9. Under these circumstances, we do not find any valid ground for interference. Accordingly, this petition fails and is dismissed.