



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.826 of 2016

Sundari : Petitioner
Vs.

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Collector and District Magistrate,
Sivagangai District,
Sivagangai.

3.The Superintendent of Prison,
Central Prison,
Tiruchirappalli. : Respondents

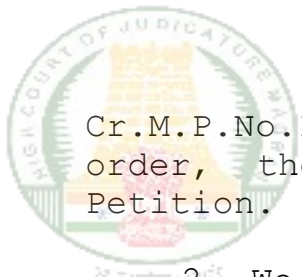
Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to call for the records pertaining to the impugned detention order passed by the second respondent made in his proceedings in Cr.M.P.No.10/S.O./2016, dated 05.04.2016 in detaining the detenu under the Tamil Nadu Act 14 of 1982 as a Sexual Offender and quash the same and direct the respondents to produce the detenu, namely Manickam, S/o.Andisamy, Male, aged about 37 years, who is detained in Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran
For Respondents : Mr.T.Mohan,
Additional Public Prosecutor

ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner is the mother of one Mr.Manickam, S/o.Andisamy, aged 37 years (hereinafter referred to as 'the detenu').
<https://hcservices.ecourts.gov.in/hcservices/>
Mr.Manickam, the detenu had been detained under the Tamil Nadu Act 14 of 1982, by the order of the second respondent in



Cr.M.P.No.10/S.O./2016, dated 05.04.2016. Challenging the said order, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents. We have also perused the records carefully.

3. This is a case where it is alleged that the detenu had raped his own daughter, aged 15 years, showing animal behaviour towards her. Since the daughter is still in the Village and since there is likelihood of the petitioner committing similar sexual exploitation, the Detaining Authority, after having satisfied that he is a sexual offender and that under ordinary law, it would not be possible to prevent him from committing similar offences, has passed the Detention Order. In the said order passed, we do not find any infirmity at all. A perusal of the Detention Order would go to show that the Detaining Authority has considered all the relevant materials and has expressed a subjective satisfaction that the detention of the detenu under the Tamil Nadu Act 14 of 1982, is absolutely necessary. The learned counsel for the petitioner is not able to make out any point to assail the said order. The Habeas Corpus Petition is, therefore, dismissed.

Sd/-

Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar

To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
Sivagangai District, Sivagangai.
- 3.The Superintendent of Prison,
Central Prison, Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in
H.C.P. (MD) No.826 of 2016

Dated:
20.10.2016