

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE P.VELMURUGAN

H.C.P. [MD] .No.1339 of 2016

Subramanian : Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Secretary to Government,
Home, Prohibition & Excise Department,
Fort.St.George, Chennai-600 009.
2. The District Collector & District Magistrate,
Sivagangai District, Sivagangai.
3. The Superintendent of Prison,
Central Prison, Madurai. : Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the 2nd respondent in Cr.M.P.No.25/S.O./2016, dated 30.08.2016 and quash the same and direct the respondents to produce the body or person of the Detenu namely Karthick, S/o.Subramanian aged about 23 years (now detained at Central Prison, Madurai) before this Court and set him at liberty.

For Petitioner : Mr.N.Anandakumar
For Respondents : Mr.C.Ramesh,
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.N.Anandakumar, learned counsel appearing for the petitioner and Mr.C.Ramesh, learned Additional Public Prosecutor, appearing for the respondents.

2. This Petition has been filed to quash the order of detention passed by the second respondent, dated 30.08.2016 and to produce the body of the detenu namely Karthick, S/o.Subramanian, aged about 23 years, before this Court.



3. The petitioner is the father of the detenu, who was challenged the impugned order of detention, whereby, the detenu has been detained under the provisions of the Tamil Nadu Act 14 of 1982 as he has been branded as sexual offender.

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4. The learned counsel for the petitioner submitted that the date of detention is 30.08.2016 and the detenu is still languishing in jail and may be released. Further in the affidavit filed in support of the petition, it is stated that the English version of the grounds of detention has not been properly translated in Tamil, which vitiates the entire detention order. Further, the arrest memo given in the Booklet, which has been prepared at the time of arrest by the Sponsoring Authority as per the Supreme Court guidelines given in D.K.Basu Vs. State of West Bengal (AIR 1997 SC 610) contains the Crime Number of the ground case, which shows clearly the non-application of mind on the part of the detaining authority.

5. We have heard the learned Additional Public Prosecutor on the above grounds.

6. The learned Additional Public Prosecutor at the first instance, submitted that the detenu has been branded as a sexual offender and the victim is a student of 6th standard, who was kidnapped, raped and subsequently killed. It is further submitted that the detenu, even prior to commit the act of sexual act, has bound the victim with a rope, tied her mouth and taken photographs in his cellphone and thereafter, committed the sexual assault and after the victim died, he has once again taken photographs in his cell phone. It was referred to the Forensic Science Department, who are submitted a report dated 08.09.2016, stating that the photographs should have been captured using the mobile phone, which was seized from the custody of the detenu. The printed copies of the photographs are also placed before us, which show that the victim has been brutally handled and ultimately done to death.

7. In the light of all these the prima facie materials which have been placed before this Court, we are of the considered view that this is not a fit case, where this Court should exercise its jurisdiction to interfere the order or detention. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition & Excise Department,
Fort.St.George, Chennai-600 009.

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

3. The Superintendent of Prison,
Central Prison, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. [MD].No.1339 of 2016
01.06.2017

SDS/JC/SAR 4/06.06.2017/3P/5C