

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.345 of 2020

Sivalingam

...Petitioner

Vs

The State represented by its,

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

2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dharmapuri District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records pertaining to the order of detention dated 29.10.2019 passed by the 2nd respondent in S.C.No.17/2019, and quash the same and produce the detenu, Nadupaiyan @ Chinnasamy aged about 22 years, S/o.Sivalingam, before this Court and set him at liberty and the detenu now confined in Central Prison, Salem.

For Petitioner : Mr.D.Mario Johnson

For Respondents: Mr. R. Prathap Kumar,
Additional Public Prosecutor.

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O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.This Petition has been filed by the father of the detenu challenging the detention order passed against him in S.C.No.17/2019 dated 29.10.2019 terming him as "Sexual Offender"

under Section 2 (ggg) of Tamil Nadu Act 14 of 1982 based on the ground case registered against him.

3.Heard Mr.D.Mario Johnson, learned Counsel appearing for the Petitioner and Mr. R. Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents and perused the materials available on records.

4.From the grounds of detention, it is evident that the detenu has sexually assaulted a five and half years old girl child. Though the learned Counsel for the petitioner submitted that the representation sent on behalf of the detenu has not been considered in time and there is a delay in considering and disposing of the representation, considering the facts of the case and the submissions of the learned Additional Public Prosecutor that necessary documents have to be gathered from various authorities including the Courts below, there is a justifiable reason for the delay and it is seen that the delay is neither willful nor wanton. Therefore, the detention order passed by the second respondent is valid.

5.Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

- 1.The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dharmapuri District.
- 3.The Superintendent of Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras,
Chennai.

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