

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.360 of 2020

Kamalam

... Petitioner

Vs

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai 600 009.

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records relating to the petitioner's son detention order under Tamil Nadu Act 14 of 1982 vide detention order, dated 11.10.2019 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.16/Sexual Offender/2019, quash the same as illegal and consequently direct the respondents herein to quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Sankar Ganesh, S/o.Anandan, aged 33 years before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi.

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

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 mother of the detenu challenging the detention order passed against the detenu in proceedings Memo Cr.M.P.No.16/Sexual Offender/2019 dated 11.10.2019 by the Second Respondent, branding him as 'Sexual Offender' under Section 2 (ggg) of Tamil Nadu Act 14 of 1982, as the detenu is said to have raped the mentally retarded girl aged about 13 years along with two other persons. Based on the complaint of the mother of the detenu, case in Cr.No.4 of 2019 has been filed under Sections 5 k (1)(n) read with 6 of Protection Of Children from Sexual Offences Act, 2012 and 506 (i) of Indian Penal Code.

3.When the matter is called today, the learned Additional Public Prosecutor would submit that the detention order was passed on 11.10.2019 and the period of detention is already over and the petition has become infructuous.

4.In view of the above said submission of the learned Additional Public Prosecutor, this Petition is dismissed as infructuous.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai 600 009.

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

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

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

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