

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.685 OF 2020

Palaniammal

... Petitioner

-vs-

1. The Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The District Collector and
District Magistrate,
Office of the District Collector and
District Magistrate,
Perambalur District.
3. The Superintendent of Police,
Perambalur District, Perambalur.
4. The Superintendent,
Central Prison, Tiruchirapalli.
5. The Inspector of Police,
All Women Police Station, Perambalur.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by the second respondent in Cr.M.P.No.32/2019 dated 23.11.2019 set aside the same, direct to produce the detenu Sankar, S/o. Nagappan, aged about 35 years, and presently detained in Central Prison, Tiruchirapalli before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Ganesh Kumar

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

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the wife of Sankar, S/o. Nagappan, aged about 35 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.32/2019 dated 23.11.2019, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

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

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page No.26 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.32/2019 dated 23.11.2019 passed by the second respondent is set aside. The detenu, namely, Sankar, S/o. Nagappan, aged about 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mml/ssm

To

1. The Secretary to Government
Home Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The District Collector and
District Magistrate,
Office of the District Collector and
District Magistrate,
Perambalur District.
3. The Superintendent of Police,
Perambalur District,
Perambalur.
4. The Superintendent,
Central Prison,
Tiruchirapalli.
5. The Inspector of Police,
All Women Police Station,
Perambalur.
6. The Public Prosecutor,
High Court, Madras.
7. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai-9.

H.C.P.No.685 of 2020

MG(CO)
CS/02/12/2020

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