

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 849 of 2020

M.Mohammed Abbas

.. Petitioner

Vs.

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort.St.George, Chennai - 600 009.
- 2.The Commissioner of Police/ Detaining Authority,
Huzur Road, Coimbatore City, Coimbatore - 18.
- 3.The Superintendent of Prison,
Central Prison - Coimbatore, Coimbatore District.
- 4.State rep by its, The Inspector of Police,
All Women Police Station, Coimbatore (West),
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus to call for the entire records, relating to the petitioner's father detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 06.02.2020 on the file of the second respondent herein made in proceedings Memo C.No.23/G/IS/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's father namely S.A.Mohammed Asan, S/o.Shahul Hameed, aged 53 years before this Court and set the petitioner's father at liberty from detention, now the petitioner's father detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

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

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ORDER

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

The petitioner is the son of the detenu, S.A.Mohammed Asan, S/o.Shahul Hameed, male, aged 53 years. The detenu has been detained by the second respondent by his order in Memo C.No.23/G/IS/2020,, dated 06.02.2020 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. We have also perused the records produced by the Detaining Authority.

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 forensic report 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, it is clear that the forensic report at Page Nos. 38 and 39 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 Memo C.No.23/G/IS/2020, dated 06.02.2020, passed by the second respondent is set aside. The detenu, namely, S.A.Mohammed Asan, S/o.Shahul Hameed, male, aged 53 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort.St.George, Chennai - 600 009.
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- 3.The Superintendent of Prison,
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- 4.The Inspector of Police,
All Women Police Station, Coimbatore (West),
Coimbatore District.
- 5.The Public Prosecutor,
High Court, Madras.

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