

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

HCP.No.988 of 2020

Selvi ... Petitioner

vs

1.The State of Tamil Nadu rep. by ... Respondents

The Additional Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai.9.

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

3.The Superintendent of Police,
Perambalur District, Perambalur.

4.The Superintendent of Central
Prison, Thiruchirappalli.

5.State rep. By
The Sub Inspector of Police,
Arumbavur Police Station,
Perambalur District.

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records relating to the order of detention dated 23.03.2020 bearing Ref.No.Cr.M.P.No.07/2020 on the file of the second respondent against the petitioner's son Jayakumar, S/o.Ponnusamy, aged about 23 years, who is confined at Central Prison, Trichy and quash the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Saikrishnan

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 mother of Jayakumar, S/o.Ponnusamy, aged about 23 years, who is the detenu. The detenu has been detained by the second respondent by his order in Ref.No.Cr.M.P.No.07/2020 dated 23.03.2020, 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 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 detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. 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 the remand extension requisition at Page No.55 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.

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5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Ref.No.Cr.M.P.No.07/2020 dated 23.03.2020, passed by the second respondent is set aside. The detenu, namely, Jayakumar, S/o.Ponnusamy, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

mmi/ssm

To

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

+1 C.C. to MR.T.SAIKRISHNAN Advocate SR.NO.37827

H.C.P.No.988 of 2020

LN (CO)

UMY (17.12.2020)