

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1283 of 2020

Sudhalakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu, rep. By its Secretary to Government, Home, Prohibition & Excise Department, Secretariat, Chennai 600 009.
2. The District Collector and District Magistrate Office of District Collector Tiruppur District, Tiruppur.
3. The Superintendent of Prison, Central Prison, Coimbatore.
4. The Superintendent of Police, Tiruppur District, Tiruppur.
5. The Inspector of Police, All Women Police Station, Palladam, Tiruppur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to produce the body of the petitioner's Husband named Vigneshwaran alias Vignesh son of Late. Ganesan, aged about 30 years, presently confined at Central Prison, Coimbatore, before this Court and set him at liberty forthwith, after calling for the records pertaining to the detention order dated 28.01.2020 made in Cr.M.P.No.01/Sexual Offender/2020 passed by the 2nd respondent, quash the same.

For Petitioner : Mr. N. Ponraj

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 Vigneshwaran alias Vignesh son of Late. Ganesan, aged about 30 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.01/Sexual Offender/2020 dated 28.01.2020, 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 confession statement of the detenu at Page No.21 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.01/Sexual Offender/2020 dated 28.01.2020, passed by the second respondent is set aside.

The detenu, namely, Vigneshwaran alias Vignesh son of Late. Ganesan, aged about 30 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Chennai 600 009.
- 2.The District Collector and District Magistrate
Office of District Collector, Tiruppur District,
Tiruppur.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Superintendent of Police,
Tiruppur District, Tiruppur.
- 5.The Inspector of Police,
All Women Police Station, Palladam,
Tiruppur District.
- 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.1283 of 2020

SS(CO)
RMP(11/12/2020)