

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

Coram

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

H.C.P. No. 1274 of 2020

Radhiyammal

... Petitioner

Vs.

- 1.State of Tamil Nadu, Represented by the Secretary, Home, Prohibition and Excise Department, Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate, O/o. The District Collector and District Magistrate, Ariyalur District.
- 3.The Superintendent of Prison, Thiruchirapalli Central Prison, Thiruchirapalli District.
- 4.The Superintendent of Police, O/o. The Superintendent of Police, Ariyalur District.
- 5.The Inspector of Police, All Women Police Station, Jayankondam, Ariyalur District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records relating to the Detention Order vide Memo Cr.M.P.No.59/2020 dated 23.06.2020, passed by the Second Respondent and quash the same and direct the respondents herein to produce the petitioner's son namely, Karthick @ Kalidhasan, S/o.Kumar, aged 22 years, who is presently undergoing detention in the Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.M.N.Balakrishnan

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 Karthick @ Kalidhasan, S/o.Kumar, aged 22 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.59/2020 dated 23.06.2020, 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 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 remand order has not been 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.36 of the booklet, it is clear that the remand order has not been 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.59/2020, dated 23.06.2020, passed by the second respondent is set aside. The detenu, namely, Karthick @ Kalidhasan, S/o.Kumar, aged 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate,
Ariyalur District.
- 3.The Superintendent of Prison,
Thiruchirapalli Central Prison,
Thiruchirapalli District.
- 4.The Superintendent of Police,
O/o. The Superintendent of Police,
Ariyalur District.
- 5.The Inspector of Police,
All Women Police Station,
Jayankondam, Ariyalur District.
- 6.The Joint Secretary to Government
Public (law and order)
Fort. St. George
Chennai 9.
- 7.The Public Prosecutor,
High Court, Madras.

RLD(CO)
SP(11/01/2021)

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