

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

Coram

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

H.C.P. No. 1385 of 2020

Vijayalakshmi

...Petitioner

-vs-

1. State of Tamil nadu
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The District Magistrate and District Collector,
Udhagamandalam, The Nilgiris District.
3. The Superintendent of Prison,
Coimbatore Central Prison, Coimbatore District.
4. The Superintendent of Police,
Udhagamandalam, The Nilgiris District.
5. The State Rep. by
The Inspector of Police,
Devala All Women Police Station,
The Nilgiris District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the entire records of the 2nd respondent, in his proceedings CrI.M.P.No. 02/2020 (Sexual Offenders) dated 29.05.2020 to quash the same and consequently direct the respondents to produce the petitioner's son Manikandan, aged 35 years, before this Court now confined in Central Prison, Coimbatore and set him at liberty forthwith.

For Petitioner : Mr.N.Chinnaraj

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 Manikandan, S/o.Krishnan, male, aged 35 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No. 02/2020 dated 29.05.2020, 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 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 Nos. 42 and 43 of the booklet, it is clear that the remand order 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 Cr1.M.P.No. 02/2020 dated 29.05.2020, passed by the second respondent is set aside. The detenu, namely, Manikandan, S/o.Krishnan, male, aged 35 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

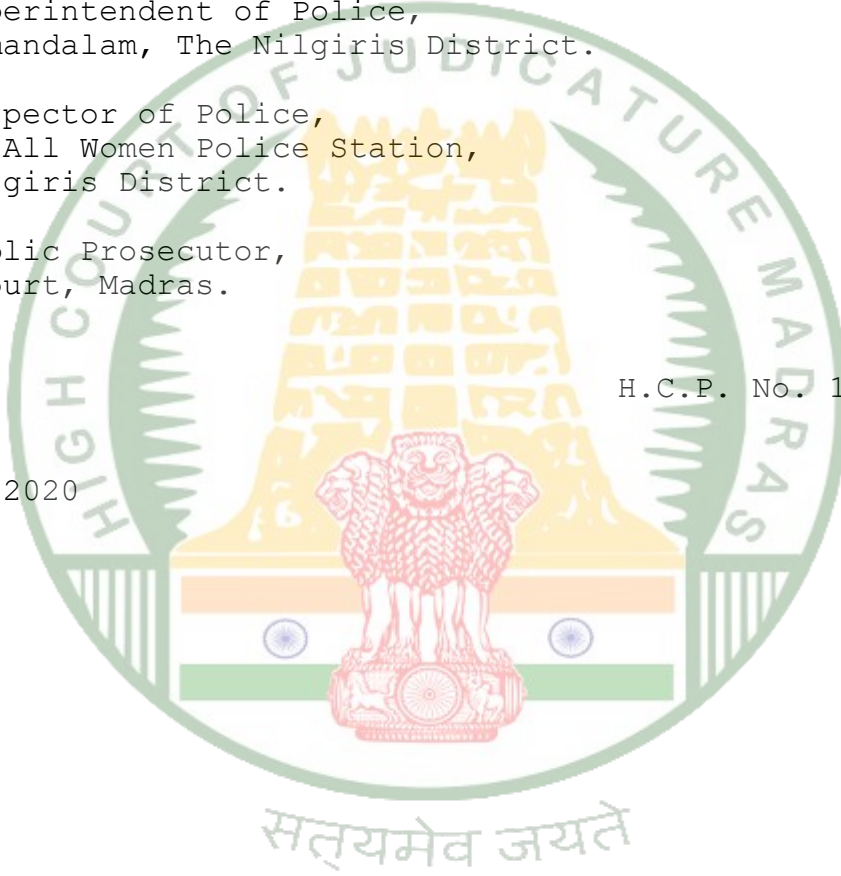
mmi/ssm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The District Magistrate and District Collector,
Udhagamandalam, The Nilgiris District.
3. The Superintendent of Prison,
Coimbatore Central Prison, Coimbatore District.
4. The Superintendent of Police,
Udhagamandalam, The Nilgiris District.
5. The Inspector of Police,
Devala All Women Police Station,
The Nilgiris District.
6. The Public Prosecutor,
High Court, Madras.

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CO (SR II)
BDL/28/12/2020



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