

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2020

Coram

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

H.C.P. No. 1503 of 2020

J.Lakshmanan

...Petitioner

-vs-

1. State of Tamil Nadu
rep. by its Principal Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai.
2. The District Collector and
District Magistrate,
Nagapattinam District,
Nagapattinam.
3. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
4. The Superintendent,
Central Prison, Tiruchirapalli.
5. The Inspector of Police,
All Women Police Station,
Mayiladuthurai,
Nagapattinam District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the entire records pertaining to the impugned order made in C.O.C.No.10/2020, dated 04.03.2020 passed by the second respondent and quash the same as illegal and consequently direct the respondents to produce the detenu Sony @ Sureshmenan, S/o.Lakshumanan, aged about 23 years, now confined and kept in Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner : Mr.S.Kingston Jerold

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 father of the detenu Sony @ Sureshmenan, S/o.Lakshumanan, aged about 23 years. The detenu has been detained by the second respondent by his order in C.O.C.No.10/2020, dated 04.03.2020, 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.Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 28.01.2020, the detention order was passed only on 04.03.2020 i.e., after a considerable delay of nearly one and half months. Therefore, the detention order has to be set aside.

4.As seen from the grounds of detention, it is clear that though the detenu was arrested on 28.01.2020, the order of detention came to be passed only on 04.03.2020 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

5.We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.O.C.No.10/2020, dated 04.03.2020, passed by the second respondent is set aside. The detenu, namely, Sony @ Sureshmenan, S/o.Lakshumanan, aged about 23

years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

mmi/ssm

Sub Assistant Registrar

To

1. The Principal Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai.
2. The District Collector and District Magistrate,
Nagapattinam District, Nagapattinam.
3. The Superintendent of Police,
Nagapattinam District, Nagapattinam.
4. The Superintendent,
Central Prison, Tiruchirapalli.
5. The Inspector of Police,
All Women Police Station,
Mayiladuthurai, Nagapattinam District.
6. The Public Prosecutor,
High Court, Madras.

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