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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Ms. Justice R.N.MANJULA

H.C.P.No.161 of 2021

Lakshmi .. Petitioner/Mother of the Detenu
Vs.

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Kancheepuram District, Kancheepuram.
- 3.The Superintendent of Police,
Office of the Superintendent,
Kancheepuram District, Kancheepuram.
- 4.The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram & District.
- 5.The Superintendent of Prison,
Central Prison-II, Puzhal,
Chennai - 66.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in B.C.D.F.G.I.S.S.S.V.No.70/2020 dated 30.11.2020 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Ranjithkumar, son of Sangar, aged about 23 years, who is confined at the Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.R.Muniyapparaj,
Govt.Advocate (Crl.Side)



ORDER

[Order of the Court was made by R.N.MANJULA, J.]

The petitioner is the mother of the detenu Ranjithkumar, son of Sangar, aged about 23 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.70/2020 dated 30.11.2020, 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 Government Advocate (Crl.Side) 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. The learned Government Advocate (Crl.Side) strongly opposed the habeas corpus petition by filing his counter.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Form No.91 pertaining to a similar case at Page No.154 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.70/2020 dated 30.11.2020, passed by the second respondent is set aside. The detenu, viz., Ranjithkumar, son of Sangar, 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-II)

//True Copy//

Sub Assistant Registrar

nsd



To

- 1.The Secretary to Government,
Department Prohibition and Excise (Home),
Fort St.George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Kancheepuram District, Kancheepuram.
- 3.The Superintendent of Police,
Office of the Superintendent,
Kancheepuram District, Kancheepuram.
- 4.The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram & District.
- 5.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai - 66.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P.No.161 of 2021

BS (CO)
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