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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.No.463 of 2021

Chitra Sekar

..Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.

2. The District Magistrate and District Collector,
Tiruppur District, Tiruppur.

3. The Superintendent of Police,
Tiruppur District, Tiruppur.

4. The Superintendent,
Central Prison, Coimbatore.

5. The Inspector of Police,
All Women Police Station,
Kangeyam, Tiruppur.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus call for the records of the detention made in order No.Cr.M.P.No.35/Sexual Offender/2020 dated 13.11.2020 passed by the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Palani, S/o.Makali, who is confined in Central Prison, Coimbatore, aged about 60 years, at liberty forthwith.

For Petitioner : Mr.J.Senthamilarasi

For Respondents : Mr.R.Muniyapparaj,
Additional Public
Prosecutor



ORDER

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

The petitioner is the daughter of the detenu Palani, S/o.Makali, aged about 60 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.35/Sexual Offender/2020 dated 13.11.2020, 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 Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

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. He further submitted 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 these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor 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 Page No.24 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.

In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.35/Sexual Offender/2020 dated 13.11.2020, passed by the second respondent is set aside. The detenu, viz., Palani, S/o.Makali, aged about 60 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Secretary to Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The District Magistrate and District Collector,
Tiruppur District, Tiruppur.
3. The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent,
Central Prison,
Coimbatore.
5. The Inspector of Police,
All Women Police Station,
Kangeyam, Tiruppur.
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.463 of 2021

SJ(CO)
RGA(27/09/2021)