

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.553 of 2021

Malathi
W/o.Savarimuthu

.. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its the
Principal Secretary to Government,
Home, Prohibition & Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai – 600 009.

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

3.The Superintendent of Police,
Tiruppur District.

4.The Superintendent,
Central Prison, Coimbatore,
Coimbatore District.

5.The Inspector of Police,
All Women Police Station,
Dharapuram,
Tiruppur District.
Crime No.59/2021

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records of the second respondent made in Ref.Cr.M.P.No.4/Sexual Offender/2021 dated 28.02.2021 detaining the detenu Prakash S/o.Savarimuthu, aged 20 years, under the T.N.Act 14/1982, as a “sexual offender” at the Central Prison, Coimbatore and set aside the same and set the petitioner's son at liberty forthwith.

For Petitioner : Mr.P.Kalimuthu

For Respondents : Mr.R.Muniyapparaj
Government Advocate [crl.side]

ORDER

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

The petitioner is the mother of the detenu viz., Prakash S/o.Savarimuthu, aged 20 years. The detenu has been detained by the second respondent by his order in Ref.Cr.M.P.No.4/Sexual Offender/2021 dated 28.02.2021, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of the Tamil Nadu Act, 14/1982. 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 arrest intimation pertaining to the ground case has not been fully translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, 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.147 and 149 of the booklet, it is clear that the arrest intimation pertaining to the ground case has not been fully 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 Ref.Cr.M.P.No.4/Sexual Offender/2021 dated 28.02.2021 passed by the second respondent is set aside. The detenu, viz., Prakash S/o.Savarimuthu, aged 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[P.N.P., J]

[R.N.M., J]

13.09.2021

Index: Yes/No
gm

To

1.The Principal Secretary to Government,
Home, Prohibition & Excise (XVI) Department,
Fort St.George, Secretariat,
Chennai – 600 009.

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

3.The Superintendent of Police,
Tiruppur District.

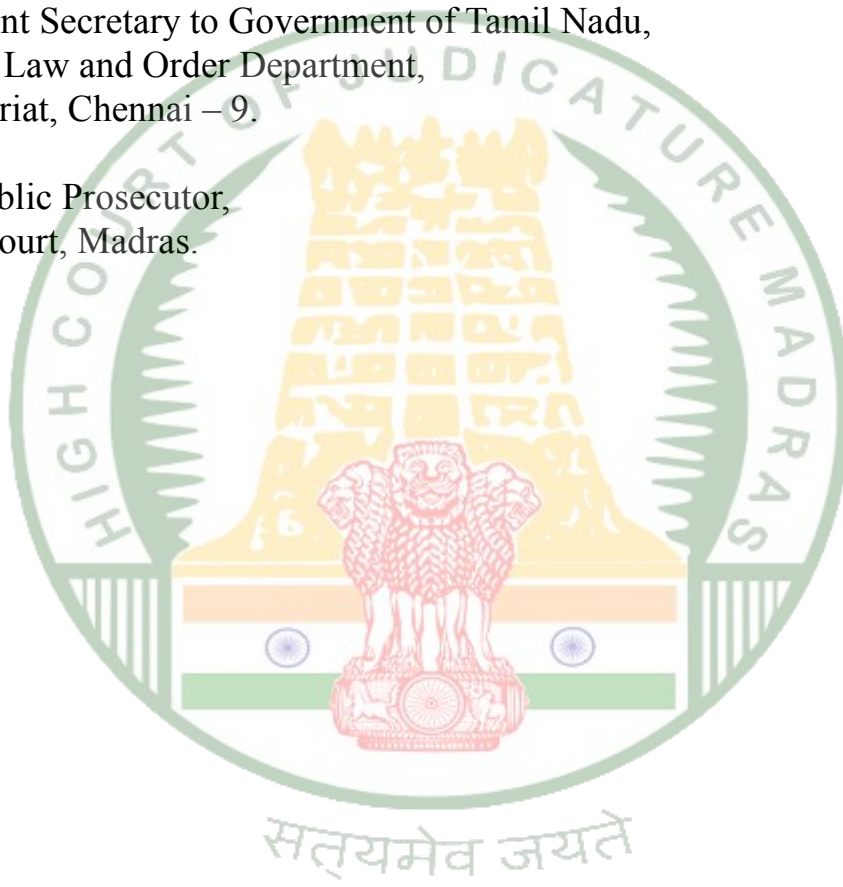
4.The Superintendent,
Central Prison, Coimbatore,

Coimbatore District.

5.The Inspector of Police,
All Women Police Station,
Dharapuram,
Tiruppur District.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

7.The Public Prosecutor,
High Court, Madras.

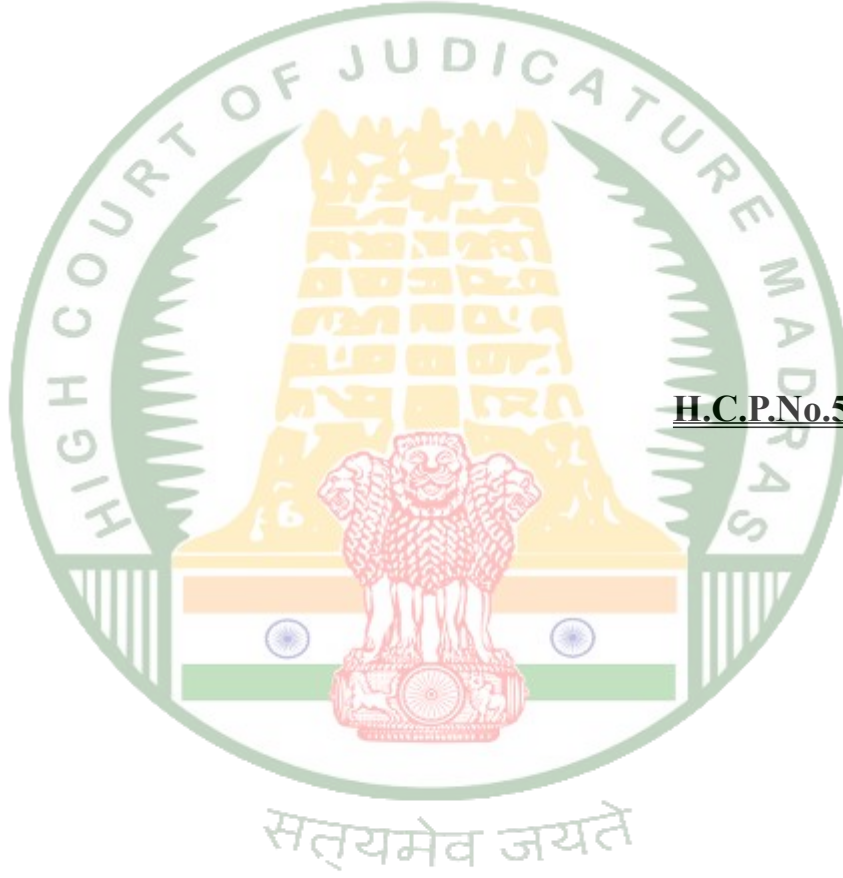


WEB COPY

P.N.PRAKASH, J
and

R.N.MANJULA, J

gm



H.C.P.No.553 of 2021

WEB COPY

13.09.2021