

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.683 of 2021

P.Tamilselvi
W/o.Palanisamy

.. Petitioner

Vs.

1.State of Tamil Nadu
represented by the
Secretary, Home, Prohibition
and Excise Department,
Fort St.George, Chennai – 600 009.

2.The District Collector and District Magistrate,
(Authorised Officer),
Kallakurichi District,
Kallakurichi.

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

4.The Superintendent,
Central Prison,
Cuddalore.

5.The Inspector of Police,
AWPS, Kallakurichi,
Villupuram District.
Crime No.22 of 2020

.. 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 in relation to impugned detention order passed in D.O.No.C2/01/2021 dated 08.01.2021 and set aside the same and consequently, direct the respondents to produce the petitioner's husband, viz., Palanisamy S/o.Venkatachalam, aged about 38 years, presently detained at Central Prison, Cuddalore, Cuddalore District and set him at liberty.

For Petitioner : Mr.C.Anbu
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 wife of the detenu viz., Palanisamy S/o.Venkatachalam, aged about 38 years. The detenu has been detained by the second respondent by his order in D.O.No.C2/01/2021 dated 08.01.2021, 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.129 and 130 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 D.O.No.C2/01/2021 dated 08.01.2021 passed by the second respondent is set aside. The detenu, viz., Palanisamy S/o.Venkatachalam, aged about 38 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]

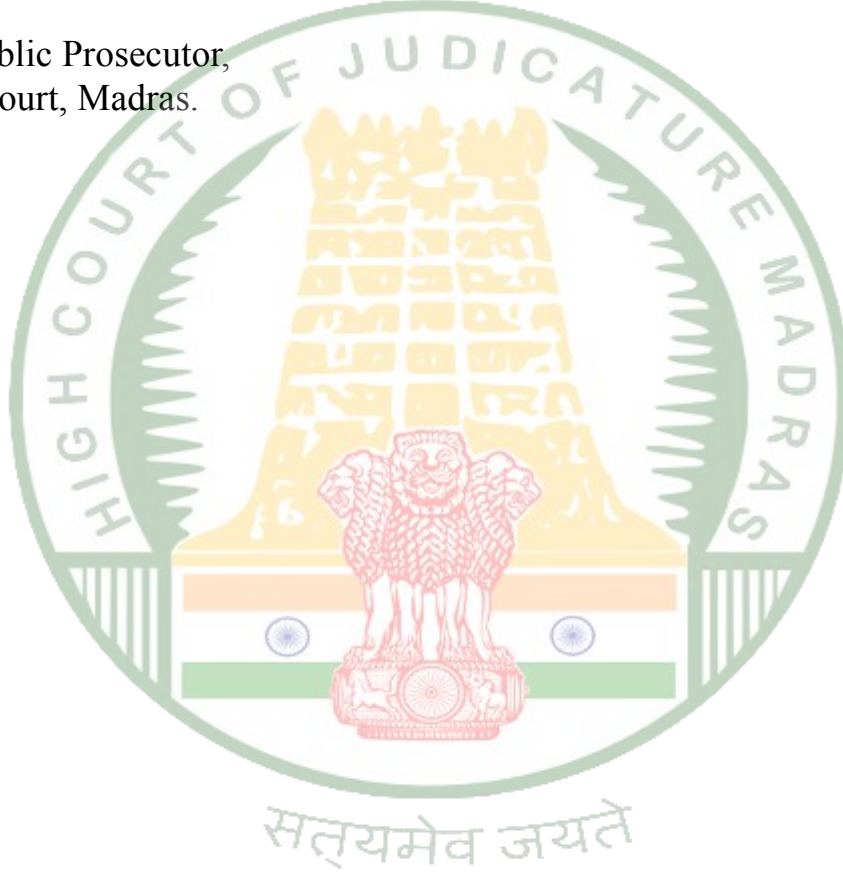
13.09.2021

Index: Yes/No
gm

To

- 1.The Secretary, Home, Prohibition
and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
(Authorised Officer),
Kallakurichi District,
Kallakurichi.
- 3.The Superintendent of Police,
Kallakurichi District,
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Cuddalore.

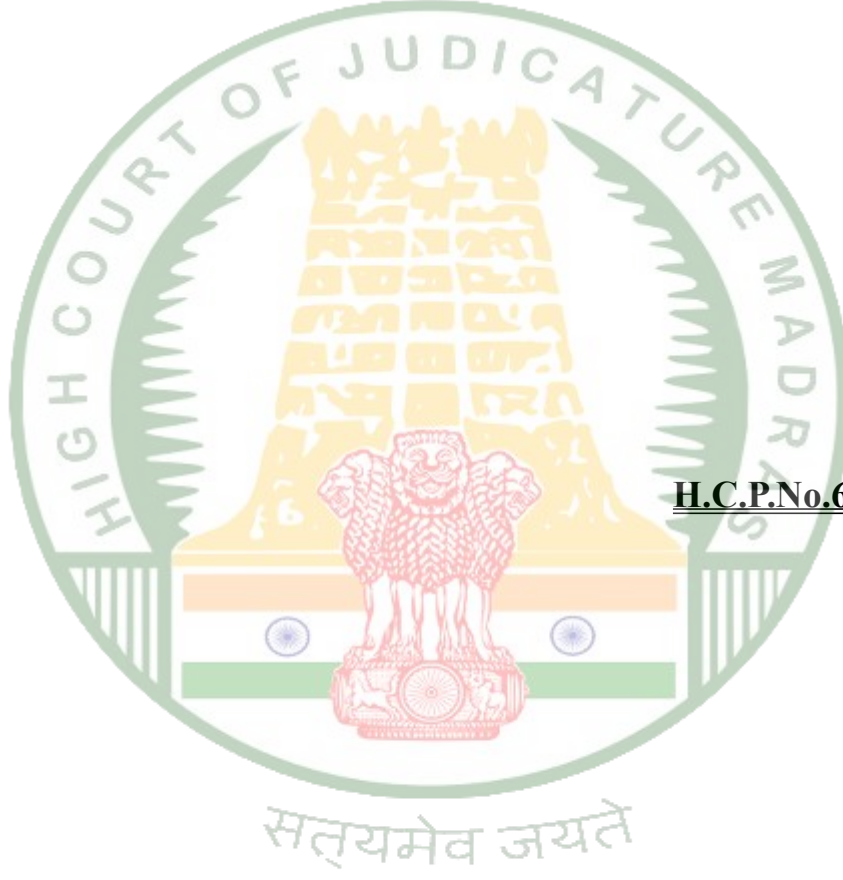
- 5.The Inspector of Police,
AWPS, Kallakurichi,
Villupuram District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J
and
R.N.MANJULA, J

gm



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