

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.1005 of 2021

Chellammal

.. Petitioner

Vs.

1. The Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The District Magistrate & District Collector,
Namakkal District,
Namakkal.
3. The Superintendent of Police,
Namakkal District,
Namakkal.
4. The Inspector of Police,
All Women Police Station,
Rasipuram,
Namakkal District.
5. The Superintendent of Prison,
Central Prison,
Salem.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records pertaining to the order dated 29.12.2020 made in C.M.P.No.30/Sexual Offender/2020 (M1) on the file of the District Magistrate & District Collector, Namakkal District, the second respondent herein and quash the same and produce the detainee (G.Prabhu, age 27 years, S/o.Ganapathi) before this Hon'ble Court, now confined at central prison, Salem and set him at liberty.

For Petitioner : Mr.A.V.Arun
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu viz., Prabhu, aged 27 years, S/o.Ganapathi. The detenu has been detained by the 2nd respondent by his order dated 29.12.2020 in C.M.P.No.30/Sexual Offender/2020 [M1], holding him to be a "Sexual Offender", as contemplated under Section 3(1) 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. This deprived the detenu from making effective representation. Therefore, on this sole ground, 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.70 and 71 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 C.M.P.No.30/Sexual Offender/2020 [M1], dated 29.12.2020, passed by the 2nd respondent is set aside. The detenu viz., Prabhu, aged 27 years, S/o.Ganapathi, is directed to be released forthwith, unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

MTL

To:

1. The Secretary to Government of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
3. The District Magistrate & District Collector,
Namakkal District,
Namakkal.
4. The Superintendent of Police,
Namakkal District,
Namakkal.
5. The Inspector of Police,
All Women Police Station,
Rasipuram,
Namakkal District.
6. The Superintendent of Prison,
Central Prison,
Salem.

+1cc to Mr.A.V.Arun, Advocate, S.R.No. 59392

H.C.P. No. 1005 of 2021
19.11.2021

VG-II (CO)
TE (22/11/2021)