

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

Coram
The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.1626 of 2020

S.Shanthi

.. 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,
Perambalur District, Perambalur.
3. The District Superintendent of Police,
Perambalur District, Perambalur.
4. The Superintendent of Prisons
Central Prison, Trichy.
5. The Inspector of Police,
All Women Police Station,
Perambalur.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the records of the 2nd respondent herein in Cr.M.P.No.14/2020 dated 20.07.2020 quash the same and direct the respondents herein to produce the detenu Selvam, son of Vaiyapuri, confined in Central Prison, Trichy and set him at liberty.

For Petitioner : Mr.S.V.Karthikeyan
For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor
:

ORDER

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

The petitioner is the wife of the detenu, Selvam, son of Vaiyapuri, aged about 42 years. The detenu has been detained by the second respondent by its order dated 20.07.2020 in Cr.M.P.No.14/2020, holding him to be a "Sexual Offender", as contemplated under Section 2(ggg) of the 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 and we have also perused the records carefully.

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 extension of interim orders in suo motu W.P.(MD).No.6126 of 2020 has not been 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 appearing for the respondents 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 Nos.61 to 71 of the booklet, it is clear that the extension of interim orders in suo motu W.P.(MD).No.6126 of 2020 has not been 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.14/2020 dated 20.07.2020, passed by the second respondent is set aside. The detenu, viz., Selvam, son of Vaiyapuri, aged about 42 years, is directed to be released forthwith unless his detention is required in connection with any other case.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

nsd

To

1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

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

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

4.The Superintendent of Prisons
Central Prison, Trichy.

5.The Inspector of Police,
All Women Police Station,
Perambalur.

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

7.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.V.Karthikeyan, Advocate sr 24928.

H.C.P.No.1626 of 2020

RLD(CO)
SP(30/04/2021)

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