

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

H.C.P.NO.1711 OF 2020

Meharunnisa

..Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
All Women Police Station,
Vandavasi,
Tiruvannamalai District.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records relating to the impugned order of detention passed by the 1st respondent in D.O.No.88/2020-C2 dated 25.08.2020 and set aside the same, consequently direct the respondent to produce the detenu Iliyas, son of Syed Ismail, aged about 20 years, now confined in Central Prison, Vellore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.R.Muniyapparaj,
Govt.Advocate
(CrI.Side)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the mother of Iliyas, son of Syed Ismail, aged about 20 years, who is the detenu. The detenu has been detained by the second respondent by his order in D.O.No.88/2020-C2 dated 25.08.2020, 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 Government Advocate (Crl.Side) 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 arrest intimation pertaining to the ground case 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 Government Advocate (Crl.Side) 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.41 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 D.O.No.88/2020-C2 dated 25.08.2020, passed by the second respondent is set aside. The detenu, viz., Iliyas, son of Syed Ismail, aged about 20 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,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Tiruvannamalai District, Tiruvannamalai.
3. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
All Women Police Station,
Vandavasi,
Tiruvannamalai 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.

H.C.P.No.1711 of 2020

KV (CO)
KKV/09/07/2021

सत्यमेव जयते

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