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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

H.C.P.NO.1225 OF 2021

Dharmvir Mukhiya
S/o.Mahendra Mukhiya

.. Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Kanchipuram,
Kanchipuram District.
3. The Superintendent of Police,
Kanchipuram,
Kanchipuram District.
4. The Superintendent
Central Prison,
Vellore.
5. State represented by:-
The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.

.. 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 in connection with the order of



detention passed by the second respondent in BCDFGISSSV No.62/2020 dated 15.10.2020 against the petitioner's brother Inarjeet Mukhiya s/o.Mahendra Mukhiya, aged 25 years, who is now confined at Central Prison, Vellore and set aside the same and consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the brother of the detenu viz., Inarjeet Mukhiya s/o.Mahendra Mukhiya, aged 25 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.62/2020 dated 15.10.2020, 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. 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 properly 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 No.143 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 BCDFGISSSV No.62/2020 dated 15.10.2020 passed by the second respondent is set aside. The detenu, viz., Inarjeet Mukhiya s/o.Mahendra Mukhiya, aged 25 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

gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Kanchipuram,
Kanchipuram District.
3. The Superintendent of Police,
Kanchipuram,
Kanchipuram District.
4. The Superintendent
Central Prison,
Vellore.
5. The Inspector of Police,
Walajabad Police Station,
Kancheepuram 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.1225 of 2021

PA(CO)
RLP(05/10/2021)