

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2021

Coram

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

H.C.P.No.1880 of 2020

Tamizhselvi

.. Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Fort St.George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector Office,
Vellore District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District.
- 4.The Superintendent of Prison,
Central Prison,
Vellore,Vellore District.
- 5.The Inspector of Police,
Bagayam Police Station,
Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the of the 2nd respondent vide proceedings C3/D.No.60/2020 dated 22.06.2020 passed against the petitioner's son Thomas @ Ganapathy, aged about 19 years, son of Rajan, who is confined at Central Prison, Vellore and quash the same and direct the respondents to produce the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Seenuvasan
For Respondents : Mr.J.C.Durairaj
Govt. Advocate
(Crl.Side)

ORDER

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

The petitioner is the mother of the detenu viz., Thomas @ Ganapathy, aged about 19 years, son of Rajan. The detenu has been detained by the second respondent by his order in C3/D.No.60/2020 dated 22.06.2020, 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 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 remand order pertaining to the ground case 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.57 and 58 of the booklet, it is clear that the remand order 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 C3/D.No.60/2020 dated 22.06.2020, passed

by the second respondent is set aside. The detenu, viz., Thomas @ Ganapathy, aged about 19 years, son of Rajan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd
To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu, Fort St.George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector Office,
Vellore District.
- 3.The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District.
- 4.The Superintendent of Prison,
Central Prison,
Vellore,Vellore District.
- 5.The Inspector of Police,
Bagayam Police Station,
Vellore 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.1880 of 2020

A.SK(11.06.2021)