

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2021

CORAM

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

H.C.P.No.2047 of 2020

S.Palaniyappan

.. Petitioner

Vs.

1.State of Tamil Nadu rep. by
The Principal Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai-9

2.The District Collector and District Magistrate
Erode District
Erode

3.The Superintendent of Prison
Central Prison-Coimbatore
Coimbatore District

4.The Superintendent of Police
Erode District

5.The Inspector of Police
All Women Police Station
Bhavani
Erode District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the entire records pertaining to the detention order passed by the 2nd respondent in Cr.M.P.No.19/Sexual Offender/2020/C1 dated 23.07.2020 and set aside the same and direct the respondents to produce the petitioner's son viz. P.Thulasimadhu, S/o.Palaniyappan, aged about 50 years, who is now confined in Central Prison, Coimbatore, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.R.Muniyapparaj

Government Advocate (Crl. Side)

O R D E R

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

The petitioner is the mother of the detenu viz., P.Thulasimadhu, S/o.Palaniyappan, aged about 50 years. The detenu has been detained by the 2nd respondent by his order dated 23.07.2020 in Cr.M.P.No.19/Sexual Offender/2020/C1, 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. We have also perused the records carefully.

3. When this matter was taken up for hearing, the learned counsel for the petitioner submitted that the detenu was convicted and sentenced to undergo 20 years rigorous imprisonment by the Mahila Court, Erode on 12.02.2021 in Spl.S.C.No.42 of 2020.

4. Coming to the case in hand, it is seen that the order in Sua Motu W.P.(MD)No.6126 of 2020 dated 01.06.2020, has not been 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.

5. On consideration of the submissions made on either side, it is clear that the order in Sua Motu W.P.(MD)No.6126 of 2020 dated 01.06.2020, 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.19/Sexual Offender/2020/C1, dated 23.07.2020, passed by the 2nd respondent is set aside. The detenu viz., P.Thulasimadhu, S/o.Palaniyappan, aged about 50 years, 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

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To

1.The Principal Secretary to Government
Home, Prohibition and Excise Department
Fort St. George, Chennai-9

2.The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9

3.The District Collector and District Magistrate
Erode District
Erode

4.The Superintendent of Prison
Central Prison-Coimbatore
Coimbatore District

5.The Superintendent of Police
Erode District

6.The Inspector of Police
All Women Police Station
Bhavani, Erode District

7.The Public Prosecutor
High Court, Madras

H.C.P.No.2047 of 2020

SR-II (CO)
CB(24/06/2021)



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