



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

H.C.P.NO.1618 OF 2021

Kala

W/o.Mariyappan

...Petitioner

Vs.

1.State of Tamil Nadu,
represented by the
Principal Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The District Collector and District Magistrate,
(Authorised Officer),
Salem District.

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

4.The Chief Superintendent of Jail,
Salem Central Prison,
Salem, Salem District.

5.The Inspector of Police,
All Women Police Station,
Omalur, Salem 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 of the second respondent in relation to impugned detention order made in C.M.P.No.17/Sexual Offender/C2/2021 dated 18.05.2021 and set aside the same and consequently direct the respondents to produce the petitioner's son, namely, Prakash s/o.Mariyappan, aged about 23 years, presently detained at Central Prison, Salem, Salem District, before this Court and set him at liberty.

For Petitioner : Mr.MR.Thangavel

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

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

The petitioner is the mother of the detenu viz., Prakash s/o.Mariyappan, aged about 23 years. The detenu has been detained by the second respondent by his order in C.M.P.No.17/Sexual Offender/C2/2021 dated 18.05.2021, 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.41 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 C.M.P.No.17/Sexual Offender/C2/2021 dated 18.05.2021 passed by the second respondent is set aside. The detenu, viz., Prakash s/o.Mariyappan, aged about 23 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 Principal Secretary, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.



2.The District Collector and District Magistrate,
(Authorised Officer),
Salem District.

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

4.The Chief Superintendent of Jail,
Salem Central Prison,
Salem, Salem District.

5.The Inspector of Police,
All Women Police Station,
Omalur, Salem 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.

+1cc to M/s.C.Anbu, Advocate S.R.No.62487

H.C.P.No.1618 of 2021

KSM(CO)
RVM(06/12/2021)