

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.04.2021
CORAM

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

H.C.P.No.2287 of 2020

Ekambaram,
S/o.Vedhagiri

...

Petitioner /
Father of the detenu

versus

- 1.The State of Tamil Nadu, rep. by
The Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
 - 2.The District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.
 - 3.The Superintendent of Prison,
Central Prison, Vellore District.
 - 4.The Superintendent of Police,
Kancheepuram District.
 - 5.The Inspector of Police,
Walajabad Police Station,
Kancheepuram District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the Detention Order issued by the second respondent herein in B.C.D.F.G.I.S.S.S.V.No.39/2020 dated 21.08.2020 and quash the same and direct the respondents herein to produce the body of the detenu namely, Vignesh, son of Ekambaram, aged about 25 years, the son of the petitioner herein and set him at liberty from the third respondent prison viz. the Central Prison, Vellore.

For Petitioner : Mr.G.Magesh Kumar

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

The petitioner is the father of the detenu, Vignesh, son of Ekambaram, aged about 25 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.39/2020 dated 21.08.2020, 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 we have also perused the records carefully. The learned Additional Public Prosecutor has filed a counter and strongly opposed this Petition.

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 Suo Motu W.P.(MD)No.6126 of 2020 dated 01.06.2020 which has been enclosed in page nos.119 to 141 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.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.119 to 141 of the booklet, it is clear that Suo 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.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.39/2020 dated 21.08.2020, passed by the second respondent is set aside. The detenu, viz. Vignesh, son of Ekambaram, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

WEB COPY

Sd/-
Assistant Registrar(CS VII)

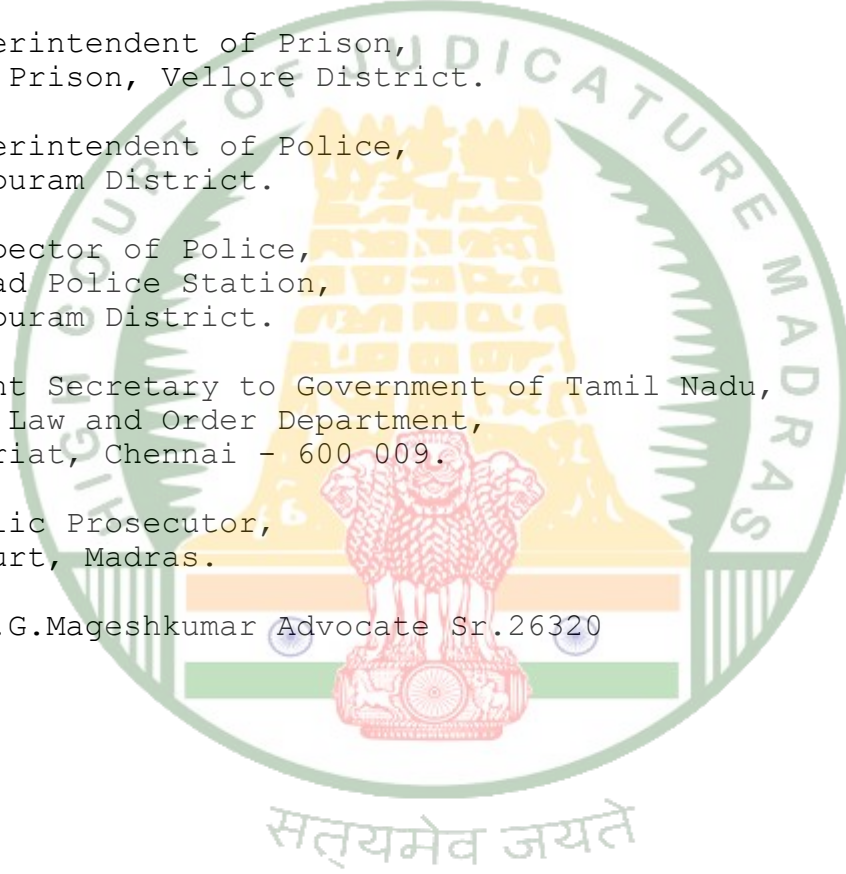
//True Copy//

Sub Assistant Registrar

sri

To

- 1.The State of Tamil Nadu, rep. by
The Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
 - 2.The District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.
 - 3.The Superintendent of Prison,
Central Prison, Vellore District.
 - 4.The Superintendent of Police,
Kancheepuram District.
 - 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 - 600 009.
 - 7.The Public Prosecutor,
High Court, Madras.
- +cc to Mr.G.Mageshkumar Advocate Sr.26320



H.C.P.No.2287 of 2020

WEB COPY

PM(CO)
baf 11/05/2021