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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

Coram

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

H.C.P.No.2294 of 2020

Rajadurai

.. Petitioner

Vs.

- 1.State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Tiruppur District.
- 3.The Superintendent of Police,
Tiruppur District.
- 4.The Superintendent of Police,
Central Prison, Coimbatore.
- 5.State represented by
The Inspector of Police,
All Women Police Station,
Palladam,
Tiruppur.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records of the 2nd respondent, pertaining to the order made in Cr.M.P.No.25/Sexual Offender/2020 dated 26.10.2020 in detaining the under the Tamilndu Act 14/1982 as a Goonda and quash the same and direct the respondents to produce the detenu viz., Tamil @ Elanthamilan, aged about 22 years, son of Rajadurai, who is detained at Central Prison, Coimbatore, before this Court and set him at liberty forthwith.



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For Petitioner : Mr.J.Franklin
For Respondents : Mr.R.Muniyapparaj,
: Govt.Advocate
(Crl.Side)

ORDER

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

The petitioner is the father of Tamil @ Elanthamilan, aged about 22 years, son of Rajadurai, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.25/Sexual Offender/2020 dated 26.10.2020, 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 Government Advocate (Crl.Side) 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 arrest intimation pertaining to the ground case has not been properly translated in vernacular language. He further submitted that the detaining authority, while detaining the detenu, has not furnished the legible copies of the documents relied on by him. 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 Nos.88 and 89 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 Cr.M.P.No.25/Sexual Offender/2020 dated 26.10.2020, passed by the second respondent is set aside. The detenu, viz., Tamil @ Elanthamilan, aged about 22 years, son of Rajadurai, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Tiruppur District.
- 3.The Superintendent of Police,
Tiruppur District.
- 4.The Superintendent of Police,
Central Prison, Coimbatore.
- 5.The Inspector of Police,
All Women Police Station,
Palladam,
Tiruppur.
- 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.2294 of 2020

SSN (CO)
PR (26/07/2021)