



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM

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

H.C.P.NO.1710 OF 2021

Shiyamala

W/o.Daniel Garniyam Dissosa (Late)

..Petitioner/Mother of the Detenue

Vs.

State represented by:

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

2.The Commissioner of Police,
Salem City, Salem.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Inspector of Police,
Salem Town All Women Police Station,
Salem.

..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 in C.M.P.No.64/Sexual Offender/Salem City/2020 dated 26.12.2020 on the file of the second respondent and quash the same as illegal and direct the respondents to produce the detenu Kesavan @ Anandapadman s/o.Daniel Garniyam Dissosa, aged about 28 years, who is now confined at Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Ms.Sengkodi

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., Kesavan @ Anandapadman s/o.Daniel Garniyam Dissosa, aged about 28 years. The detenu has been detained by the second respondent by his order in C.M.P.No.64/Sexual Offender/Salem City/2020 dated 26.12.2020, 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 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 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.91 to 93 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 C.M.P.No.64/Sexual Offender/Salem City/2020 dated 26.12.2020 passed by the second respondent is set aside. The detenu, viz., Kesavan @ Anandapadman s/o.Daniel Garniyam Dissosa, aged about 28 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

gm



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 9.
2. The Commissioner of Police,
Salem City, Salem.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Inspector of Police,
Salem Town All Women Police Station,
Salem.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1710 of 2021

KSM(CO)
KKV/30/11/2021