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H.C.P.(MD) No.1073 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

H.C.P. (MD) No.1073 of 2021

Maruthayi ... Petitioner/Wife of the detenu

-vs-

1.The State of Tamil Nadu
rep.by its Additional Chief Secretary
to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai-600 009

2.The District Collector / District Magistrate
Dindigul District
Dindigul

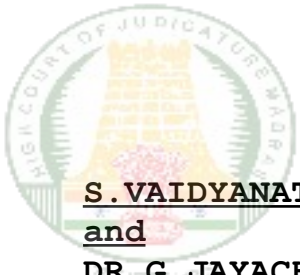
3.The Superintendent of Police
Central Prison
Madurai

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus calling for the records relating to the detention order passed by the second respondent made in No.87/2020, dated 10.12.2020 and quash the same and direct the respondents to produce the detenu Thiru.Periyasami, son of Maruthai, male, aged 37 years, who is detained at Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.Karunanithi.M.

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



O R D E R

S.VAIDYANATHAN, J.

and

DR.G.JAYACHANDRAN, J.

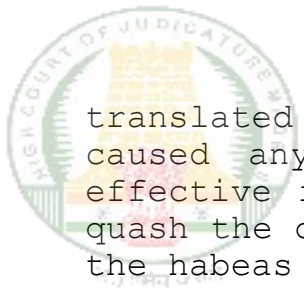
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The detenu has been detained under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982) for the ground case in Kannivadi Police Station Crime No.1225 of 2020, for the offence under Sections 5(1), 5(n), and 6 of Prevention of Children from Sexual Offences Act, 2012 and adverse case for the similar offence registered at Oddanchatram All Women Police Station Crime No.2 of 2020. The nature of the alleged offences committed by the detenu are almost identical. One was committed against a thirteen years old studying 7th Standard on 21.01.2020 and the next one was committed on 28.10.2020 against a fourteen years old child studying 9th Standard.

2. The learned counsel appearing for the petitioner would submit that the detenu was not served with clean copy of Form-95 and the Tamil translation of medical records like, Accident Register, Potency Test report etc. and he would also submit that the remand extension orders of the adverse case were not furnished, this has caused grave prejudice to the detenu to make effective representation.

3. Per contra, the learned Additional Public Prosecutor would submit that the petitioner had never sought for clean copy of Form-95 nor sought for translated version of the documents, which now he refers above. Further, these documents are pertaining to the adverse case and not to the ground case and therefore, not relevant. Being satisfied that the petitioner herein, after committing a grave offence on 21.01.2020 against a thirteen years old child and inviting prosecution under Sections 5(1) and 5(n) of POCSO Act in Crime No.2 of 2020, on the file of Oddanchatram All Women Police Station, Dindigul District while on bail, had committed a similar offence on 28.10.2020, against a fourteen years old child, which came to be registered in Crime No.1225 of 2020, on the file of Kannivadi Police Station, Dindigul District. Therefore, being fully satisfied that the existence of the detenu freely will be detrimental to the maintenance of public peace, the detention order was passed.

4. This Court, on considering the submissions made by the learned counsel on either side, is of the view that the reasonings stated by the Detaining Authority to detain the petitioner's husband is fully supported by documents and non-supply of clean copy or



translated version of records pertaining to the adverse case has not caused any prejudice or prevented any way the detenu to make effective representation. Hence, that cannot be a valid ground to quash the detention order in this habeas corpus petition, therefore, the habeas corpus petition is liable to be dismissed.

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5. Accordingly, the habeas corpus petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The District Collector / District Magistrate,
Dindigul District, Dindigul.
- 3.The Superintendent of Police,
Central Prison, Madurai.
4. The Joint Secretary to Government,
Public (Law & Order), Fort Saint George, Chennai
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1073 of 2021

03.12.2021

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