



WEB COPY



H.C.P.No.536 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

H.C.P.No.536 of 2022

Rukkumani

Petitioner

v

- 1 The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai-9
- 2 The District Collector and District Magistrate
Vellore District, Vellore-9
- 3 The Superintendent of Police
Vellore District, Vellore-9
- 4 The Superintendent of Prison
Central Prison, Vellore-2
- 5 The Inspector of Police
Paradharami Police Station
Vellore District

Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue
a WRIT OF HABEAS CORPUS to call for the records in connection with the



H.C.P.No.536 of 2022

order of detention passed by the 2nd respondent dated 12.02.2022 in C3/D.O.No.17/2022 against the petitioner's husband Venkatesan, aged about 45 years, S/o.Pitchaikaran, who is confined in the Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner Mr.D.Balaji
For Respondents Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by P.N.PRAKASH, J.]

The petitioner is the wife of the detenu. The detenu *viz.*, Venkatesan, aged about 45 years, S/o.Pitchaikaran, has been detained by the 2nd respondent, by his order dated 12.02.2022 in C3/D.O.No.17/2022, 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 Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.



H.C.P.No.536 of 2022

3. The learned Additional Public Prosecutor, on instructions, submitted that investigation of the ground case *viz.*, Paradharami P.S. Crime No.12 of 2022 was completed and final report was filed before the learned Judicial Magistrate, Gudiyatham, and the same was taken on file in P.R.C.No.8 of 2022.

4. 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 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 this sole ground, the detention order is liable to be quashed.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially the confession statement available at Page Nos.11 and 12 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus, the impugned detention order is liable to be set aside on this ground.



H.C.P.No.536 of 2022

In the result, the Habeas Corpus Petition is allowed and the order of detention in C3/D.O.No.17/2022 dated 12.02.2022, passed by the 2nd respondent is set aside. The detenu viz., Venkatesan, aged about 45 years, S/o.Pitchaikaran, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.]

[N.A.V., J.]

06.12.2022

gya

Issue order copy by 07.12.2022



H.C.P.No.536 of 2022

WEB COPY

- 1 The Secretary to the
Government of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat, Chennai-9
- 2 The Joint Secretary to Government
Public, Law and Order Department
Secretariat, Chennai-9
- 3 The Judicial Magistrate
Gudiyatham
(P.R.C.No.8 of 2022)
- 4 The District Collector and District Magistrate
Vellore District, Vellore-9
- 5 The Superintendent of Police
Vellore District, Vellore-9
- 6 The Superintendent of Prison
Central Prison, Vellore-2
- 7 The Inspector of Police
Paradharami Police Station
Vellore District
- 8 The Public Prosecutor
High Court, Madras



WEB COPY



H.C.P.No.536 of 2022

P.N.PRAKASH, J.
AND
N. ANAND VENKATESH, J.

gya

H.C.P.No.536 of 2022

06.12.2022