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H.C.P.No.1114 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Habeas Corpus Petition No.1114 of 2022

P.Muthu Kumar
S/o Pandi

..... Petitioner

-Versus-

- 1 The State Rep. by its
Secretary To Government,
Home Prohibition and Excise Department,
Secretariat Chennai
- 2 The Commissioner of Police
Coimbatore City, Coimbatore.
- 3 The Inspector Of Police
All Women Police Station (east) Coimbatore
City, Coimbatore.
- 4 The Superintendent Of Prison
Central Prison Coimbatore.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a
Writ of Habeas Corpus calling for the records of the 2nd respondent herein

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pertaining to the detention order made in C.No.70/G/IS/2021 dated 31.12.2021 and quash the same and direct the respondent to produce the body of the detenu, namely P.Muthu Kumar, aged about 42 years, Son of Pandi, now detained in Central Prison Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.P.G.Perumal Pandian

*For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor*

ORDER

The petitioner himself is the detenu viz., P.Muthu Kumar. He has been detained by the second respondent by his order in C.No.70/G/IS/2021 dated 31.12.2021, 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. We have also perused the records produced by the Detaining Authority.

3. Though the learned counsel for the petitioner has raised several



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other grounds to assail the order of detention, he has mainly focused on the ground that the remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this 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 No.35 of the booklet, it is clear that the arrest intimation 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.No.70/G/IS/2021 dated 31.12.2021, passed by the second respondent is set aside. The petitioner/detenu viz., P.Muthu Kumar son of Pandi, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P., J.) (TKR., J.)
18..11..2022

Index: Yes/No
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- 2 The Commissioner of Police
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- 3 The Inspector Of Police
All Women Police Station (east) Coimbatore
City, Coimbatore.
- 4 The Superintendent Of Prison
Central Prison Coimbatore.
5. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
6. The Public Prosecutor,
High Court, Madras.



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AND
RMT.TEEKAA RAMAN.J.,

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