



HCP No.835 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.11.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE RMT. TEEKAA RAMAN**

H.C.P.No.835 of 2022

Renuka
W/o.Kandhasamy

... Petitioner

Vs.

1.The Chief Secretary to the Government,
Home Department,
Secretariat,
Chennai – 600 009.

2.The District Collector and District Magistrate,
Ariyalur District, Ariyalur.

3.The Superintendent of Police,
Ariyalur.

4.The Superintendent of Prison,
Central Prison, Tiruchirappalli.

5.The Inspector of Police,
All Women Police Station,
Jayankondam, Ariyalur District.

... Respondents



HCP No.835 of 2022

WEB COURT

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 23.04.2022 in Cr.M.P.No.12/2022 against the petitioner's husband Kannan @ Kandhasamy, S/o.Ramasamy, male, aged 45 years, who is confined at the Central Prison, Tiruchirappalli and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.Venkatesh Mahadevan
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by ***RMT. TEEKAA RAMAN, J.***]

The petitioner is the wife of the detenu Kannan @ Kandhasamy, S/o.Ramasamy, male, aged 45 years, has been detained by the second respondent by his order in Cr.M.P.No.12/2022 dated 23.04.2022, 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.



HCP No.835 of 2022

WEB COPY

2. We have heard learned counsel for the petitioner and learned Additional Public Prosecutor 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 bail order pertaining to the ground case has not been 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.40 and 43 of the booklet, it is clear that the bail order pertaining to the ground case has not been translated in vernacular language. Thus, the impugned detention order is liable to be set aside on this ground.



HCP No.835 of 2022

WEB COPY In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.12/2022 dated 23.04.2022, passed by the second respondent is set aside. The detenu, viz., Kannan @ Kandhasamy, S/o.Ramasamy, male, aged 45 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[PNP, J.] [TKR, J.]
07.11.2022

Index: Yes/No
gm



HCP No.835 of 2022

WEB COPY To

- 1.The Chief Secretary to the Government,
Home Department,
Secretariat,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Ariyalur District, Ariyalur.
- 3.The Superintendent of Police,
Ariyalur.
- 4.The Superintendent of Prison,
Central Prison, Tiruchirappalli.
- 5.The Inspector of Police,
All Women Police Station,
Jayankondam, Ariyalur District.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor,
High Court, Madras.



WEB COPY



HCP No.835 of 2022

P.N.PRAKASH, J.
and
RMT. TEEKAA RAMAN, J.

gm

H.C.P.No.835 of 2022

07.11.2022