



HCP No.948 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.948 of 2022

Nallammal

W/o.Arumugam

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.

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

3.The Superintendent of Police,
Perambalur,
Perambalur District.

4.The Superintendent of Prison,
Central Prison - Tiruchirappalli,
Trichy District.

5.State represented by its
The Inspector of Police,
Perambalur All Women Police Station,
Perambalur District.

.. Respondents



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Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 28.04.2022 on the file of the second respondent herein made in proceedings Memo Cr.M.P.No.14/2022, quash the same as illegal and consequently, direct the respondents herein to produce the petitioner's son, namely, Saravanan S/o.Arumugam, aged 42 years, before this Court and set him at liberty, now detained at Central Prison, Tiruchirappalli.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **N.ANAND VENKATESH, J**]

The petitioner is the mother of the detenu viz., Saravanan S/o.Arumugam, aged 42 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.14/2022 dated 28.04.2022, 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.



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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 bail order in the similar 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. The learned Additional Public Prosecutor submitted that the detainee was arrested on 14.03.2022 and the investigation was completed and final report was filed on 09.05.2022, on time. It was further submitted that the Final Report was taken on file by the Mahila Court, Perambalur and the case is now pending in Spl.C.C.No.16 of 2022 and the case is now at the stage of examination of the Investigation Officer.



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5. On consideration of the submissions made on either side and upon perusal of the documents available on record, it is clear that the bail order in the similar case has not been 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 Cr.M.P.No.14/2022 dated 28.04.2022 passed by the second respondent is set aside. The detenu, viz., Saravanan S/o.Arumugam, aged 42 years, 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]
16.12.2022

Index: Yes/No
gm

To

- 1.The Mahila Court,
Perambalur.
- 2.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.



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3.The District Collector and District Magistrate,
Perambalur District,
Perambalur.

4.The Superintendent of Police,
Perambalur,
Perambalur District.

5.The Superintendent of Prison,
Central Prison - Tiruchirappalli,
Trichy District.

6.The Inspector of Police,
Perambalur All Women Police Station,
Perambalur District.

7.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

8.The Public Prosecutor,
High Court, Madras.



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

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