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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2022

Coram

The Honourable Mr. Justice S.VAIDYANATHAN
and
The Honourable Mr. Justice A.D.JAGADISH CHANDIRA

H.C.P.No.1813 of 2021

Kavitha .. Petitioner/Wife of detenue
Vs.

1. State of Tamil Nadu represented by
The Secretary to Government [Home],
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur District, Tiruppur.
3. The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Sub-Inspector of Police,
All Women Police Station-Avinashi,
Tiruppur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records of the 2nd respondent in his proceedings Cr.M.P.No.25/Sexual Offender/2021 dated 19.08.2021 to quash the same and consequently direct the respondents to produce the petitioner's husband Prakash, aged 33 years, S/o.Late Ponraj, before this Court, now confined in the Central Prison, Coimbatore, set the detenu at liberty forthwith.

For Petitioner : Mr.N.Chinnaraj

For Respondents : Mr.E.Raj Thilak
Addl. Public Prosecutor



ORDER

S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

The petitioner is the wife of the detenu Prakash, aged 33 years, S/o.Late Ponraj. The detenu has been detained by the second respondent by his order in Cr.M.P.No.25/Sexual Offender/2021 dated 19.08.2021, 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 other grounds to assail the order of detention, he has mainly focused his argument on the ground that the arrest intimation has not been properly translated in vernacular language. He further submitted 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 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.12 and 13 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 Cr.M.P.No.25/Sexual Offender/2021 dated 19.08.2021, passed by the second respondent is set aside. The detenu, viz., Prakash, aged 33 years, S/o.Late Ponraj, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

nsd

Sub Assistant Registrar



To

1. The Secretary to Government [Home],
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Tiruppur District, Tiruppur.
3. The Superintendent of Police,
Tiruppur District, Tiruppur.
4. The Superintendent of Prison,
Central Prison,
Coimbatore.
5. The Sub-Inspector of Police,
All Women Police Station-Avinashi,
Tiruppur 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.

H.C.P.No.1813 of 2021

JPL(CO)
UMA(17/06/2022)