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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

Coram

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

H.C.P.No.1777 of 2021

Kaliyaperumal .. Petitioner/Father of the Detenu

Vs.

1. State of Tamil Nadu represented by
The Secretary to Government,
Prohibition and Excise Department (Home),
Fort St.George,
Chennai-9.
2. The District Collector and District Magistrate,
Perambalur District,
Perambalur.
3. The Superintendent of Police,
Perambalur District,
Perambalur.
4. The Superintendent of Police,
Central Prison,
Tiruchirappalli.
5. The Inspector of Police,
All Women Police Station,
Perambalur.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus direction to produce the body of the detenu viz., Anantharaj, aged about 38 years, son of Kaliyaperumal, before this Court and set him at liberty forthwith, by calling for the records pertaining to the detention order dated 31.08.2021 in Cr.M.P.No.26/2021 passed by 2nd respondent, quash the same.



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For Petitioner : Mr.M.Guruprasad
For Respondents : Mr.E.Raj Thilak
Addl. Public Prosecutor

ORDER

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

The petitioner is the father of the detenu Anantharaj, aged about 38 years, son of Kaliyaperumal. The detenu has been detained by the second respondent by his order in Cr.M.P.No.26/2021 dated 31.08.2021, 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 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 No.30 of the booklet, it is clear that the arrest intimation 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.26/2021 dated 31.08.2021,



passed by the second respondent is set aside. The detenu, viz., Anantharaj, aged about 38 years, son of Kaliyaperumal, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Secretary to Government,
Prohibition and Excise Department (Home),
Fort St.George,
Chennai-9.
2. The District Collector and District Magistrate,
Perambalur District,
Perambalur.
3. The Superintendent of Police,
Perambalur District,
Perambalur.
4. The Superintendent of Police,
Central Prison,
Tiruchirappalli.
5. The Inspector of Police,
All Women Police Station,
Perambalur.
6. The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.
7. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.33544

H.C.P.No.1777 of 2021

GPL(CO)
UMA(16/06/2022)