



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.No.2151 of 2021

G.Munirathinam ..Petitioner/Father of Detenu

Vs

1. State of Tamil Nadu represented by
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate
of Vellore District,Vellore District.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore District.

..Respondents

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 04.12.2021 in his office ref.C3/D.O.No.98/2021 against the petitioner's son by name Mahendiran, aged about 30 years, now confined at the Central Prison, Vellore, Vellore District and set aside the same and direct the respondents to produce the abovesaid detenu before this Court and set him at liberty.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.M.Babu Muthumeeran
Addl. Public Prosecutor



ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA, J.)

The petitioner is the father of the detenu Mahendiran, aged about 30 years, S/o.Munirathinam. The detenu has been detained by the second respondent by his order in C3/D.O.No.98/2021 dated 04.12.2021, 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 other grounds to assail the order of detention, he has mainly focused on the ground that the remand extension order 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 No.40 of the booklet, it is clear that the remand extension order 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 C3/D.O.No.98/2021 dated 04.12.2021, passed by the second respondent is set aside. The detenu, viz., Mahendiran, aged about 30 years, S/o.Munirathinam, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nsd/38



To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Secretariat,
Chennai - 600 009.
2. The District Collector and District Magistrate
of Vellore District,
Vellore District.
3. The Superintendent of Police,
Vellore District, Vellore.
4. The Superintendent of Prison,
Central Prison, Vellore,
Vellore District.
5. The Inspector of Police,
K.V.Kuppam Police Station,
Vellore 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.2151 of 2021

MG(CO)
RGA(27/06/2022)