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HCP(MD)No.921 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.921 of 2022

E.Daisy Paneerselvam

.. Petitioner/wife of
the detenu

Vs.

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

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

3.The Superintendent of Prison,
Palayamkottai Central Prison,
Palayamkottai,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, calling for the entire records pertaining to
the detention order of the 2nd respondent made in H.S(M)Confdl.No.86/2022



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dated 07.05.2022 and quash the same and direct the respondents to produce the person or body of the detenu, namely, Thomas Samuel, son of Arul Seelan, aged about 57 years, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.R.Santhoshkumar

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

The husband of the petitioner is detained under Tamil Nadu Act 14 of 1982, as a 'sexual offender' since the All Women Police Station, Kovilpatti has registered a case against him in Crime No.9/2022 for the offence under Sections 7, 8, 9(f)(m), 10, 11(iii) & 12 of POCSO Act pursuant to the complaint given by the parents of the young children pursuing 4th and 5th standard in the school in which the detenu was serving as teacher. The detenu was arrested on 09.04.2022. The detaining authority on considering the gravity of the crime, has slapped the detention order on 07.05.2022.



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2. The learned counsel for the petitioner states that the rivalry between two teachers and the management has led to filing this false complaint as if the detenu has sexually assaulted minor children studying in his school. Being a solitary case and also fabricated case, learned counsel for the petitioner contended that the detaining authority, without applying his mind, passed the impugned order of detention. Further, the learned counsel for the petitioner would also submit that the paper booklet was also not furnished to the detenu in time. In view of the same, the detenue was not able to make an effective representation and it affect his right under Article 22 of the Constitution of India. Therefore, on that ground also, the detention order is liable to be quashed.

3. The learned Additional Public Prosecutor also submits that the trial has commenced and out 30 witnesses 19 witnesses have already been examined.

4. 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.



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5. This Court, on perusing the records, finds that the detenu was detained on 07.05.2022. Within five days the booklet was served to him in prison on 12.05.2022. Acknowledging the same, the detenu has signed and affixed the date. Though it is contended as a solitary case, from the records, this Court finds that there are nine victims in this case and the crime has come to light after mother of one victim reported about the offence.

6. In the light of the above fact, this Court finds no apparent illegality in the application of mind by the detaining authority or serving the booklet which will enure the petitioner his right to quash the impugned proceedings of detention order. Hence, this Habeas Corpus Petition is dismissed.

[G.J.,J.] & [S.M.,J.]
16.12.2022

Internet: Yes/No

Index: Yes/No

PJL



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Thoothukudi.

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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
SUNDER MOHAN, J.**

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