



HCP(MD)No.1088 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.12.2022

CORAM

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

H.C.P.(MD)No.1088 of 2022

Ranjith

.. Petitioner/ Detenu

Vs.

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Theni District, Theni.

3.The Superintendent of Prison,
Madurai Central Prison,



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Madurai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records connected with the detention order passed in Detention Order No.46/2022 dated 31.05.2022 passed by the 2nd respondent herein and quash the same and direct the respondents to produce the petitioner's son namely, Ranjith, son of Muniyandi, aged about 36 years, now confining as “Sexual Offender” at Central Prison, Madurai, and set him at liberty forthwith.

For Petitioner : Mr.N.Tamilmani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

Alleging that the petitioner/detenu has committed aggravated sexual offence to a minor girl, who was the daughter of a coolie worker, working in the Estate of Kerala, the detention order has been passed branding the



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petitioner as 'Sexual Offender' under Section 2(ggg) of the Tamil Nadu Act 14 of 1982.

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 relied by the detaining authority for passing the detention order.

3. The learned counsel for the petitioner submits that the total non application of mind on the part of the detaining authority and the copy of the bail order, alleged to be similar case, was not furnished to the petitioner and the bail order relied upon by the detaining authority is not factually similar to the case in hand. Further, the learned counsel for the petitioner would submit that the co-accused was also detained under Act 14 of 1982 and the same was challenged before this Court in H.C.P(MD)No.1614 of 2022 and this Court, on considering the merits of the case, has quashed the detention order, vide its order dated 02.12.2022 and hence, this petitioner, who is similarly placed should also have the privilege of parity.



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4. This Court, on perusing the records and the order passed by this Court, dated 02.12.2022 in H.C.P(MD)No.1614 of 2022, finds that the petitioner herein is similarly placed that of Prabu, the co-accused. As pointed out by this Court in its order dated 02.12.2022 in H.C.P(MD)No. 1614 of 2022, there is total non application of mind on the part of the detaining authority and hence the detention order is liable to be quashed.

5. In the result, this Habeas Corpus Petition stands allowed and the order of detention in Detention Order No.46/2022 dated 31.05.2022 passed by the second respondent is set aside. The detenu, viz., Ranjith, son of Muniyandi, aged 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.J.,J.] & [S.M.,J.]
14.12.2022

Index: Yes/No
Internet: Yes/No
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Madurai District.

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



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

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