



HCP(MD)No.1693 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.11.2022

CORAM

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1693 of 2022

S.Chandra

.. Petitioner/mother of
the detenu

Vs

1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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

3. The Superintendent of Prison,
Central Prison,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Habeas Corpus, calling for the entire records connected with



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the detention order of the second respondent in B.C.D.F.G.I.S.S.S.V.No. 12/2022 dated 24.02.2022 and quash the same and direct the respondents to produce the body or person of the detenu by the name Manimaran, son of Shanmugam, aged about 25 years, now detained at Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

N. ANAND VENKATESH,J.

The petitioner is the detenu viz., Manimaran, son of Shanmugam, aged about 25 years. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.12/2022 dated 24.02.2022 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



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have also perused the records produced by the Detaining Authority.

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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 copy of the remand order, dated 27.02.2022 in which the detenu was remanded in the ground case, has not been furnished to the detenu in vernacular language and also the similar case bail order made in CrI.M.P.No.7079/2015 dated 02.11.2015 has not been furnished to the detenu in vernacular language, despite the same has been sought for by the petitioner in her representation. Hence, the detenue was not able to make an effective representation.

4. The learned Additional Public Prosecutor on instructions submitted that the investigation was completed and final report has been filed and the case is now pending before the Mahila Court, Madurai in S.C.No.329 of 2022.

5. We have carefully gone through the representation made by the detenu and the booklet that has been placed before this Court. We find that



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only English version of the remand order and the similar case bail order are available and the tamil translation has not been furnished. 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 score, the order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.12/2022 dated 24.02.2022 passed by the second respondent is set aside. The detenu, viz. Manimaran, son of Shanmugam, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[M.S.R.,J.] [N.A.V.,J.]
18.11.2022

Index : Yes/No
Internet : Yes
PJJ

To
1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,



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Secretariat,
Chennai-600 009.

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

3. The Superintendent of Prison,
Central Prison,
Madurai.

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



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**M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.**

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