



H.C.P.No.490 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2023

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.490 of 2022

A.Kalyanasundaram

.. Petitioner

Vs.

1.State of Tamil Nadu represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.

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

3.The Superintendent,
Central Prison, Salem - 636 007.

4.The Inspector of Police,
Omalur All Women Police Station,
Salem District.
(Crime No.21/2021)

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying
to issue a WRIT OF HABEAS CORPUS to call for the entire records



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leading to the detention of the petitioner's son, the detenu Vignesh, aged 22 years, son of Kalyanasundaram, Murasan Valavu, Thengaikottai, Periasoragai Village, Mettur Taluk, Salem District, presently detained in the Central Prison, Salem, under Act 14/1982, branded as 'sexual offender' *vide* the detention order dated 19.01.2022 in C.M.P.No.3/Sexual Offender/C2/2022 on the file of the second respondent herein, directing to produce the person or body of the detenu Vignesh, aged 22 years, son of Kalyanasundaram, before this Court and thereafter, set him at liberty from the Central Prison, Salem, by setting aside the above order.

For Petitioner : Mr.B.Vasudevan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

The petitioner is the father of the detenu *viz.*, Vignesh, aged 22 years, son of Kalyanasundaram. The detenu has been detained by the 2nd respondent by his order dated 19.01.2022 in C.M.P.No.3/Sexual Offender/C2/2022, 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.



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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 remand order has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. The Additional Public Prosecutor submitted that pursuant to the earlier order passed by this Court on 21.11.2022, the victim lady was cross-examined on the side of the accused and the case is now at the defence witness stage. He strongly opposed the habeas corpus petition by filing his counter.



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5. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.58 and 59 of the booklet, it is clear that the remand 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 C.M.P.No.3/Sexual Offender/C2/2022, dated 19.01.2022, passed by the 2nd respondent is set aside. The detenu *viz.*, Vignesh, aged 22 years, son of Kalyanasundaram, is directed to be released forthwith, unless his detention is required in connection with any other case.

[P.N.P., J.] [N.A.V., J.]
02.01.2023

nsd



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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.
- 2.The District Magistrate and District Collector,
Salem District.
- 3.The Superintendent,
Central Prison, Salem - 636 007.
- 4.The Inspector of Police,
Omalur All Women Police Station,
Salem District.
- 5.The Sessions Judge,
Sessions Mahila Court (FAC),
Salem.
- 6.The Joint Secretary to Government,
Public, Law and Order Department,
Secretariat, Chennai-9.
- 6.The Public Prosecutor,
High Court, Madras.



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P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.

nsd

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