



HCP No.1690 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

Coram

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

H.C.P.No.1690 of 2022

Ranjitha Mary
W/o.Mickel

... Petitioner

Vs.

- 1.The Secretary to Government,
Government of Tamil Nadu
(Home) Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector / District Magistrate,
Perambalur,
Perambalur District,
- 3.The Superintendent of Police,
Perambalur,
Perambalur District.
- 4.The Superintendent,
Central Prison, Tiruchirapalli.



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5. The Inspector of Police,
All Women Police Station, Perambalur,
Perambalur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus calling for the entire records connected with the order of the 2nd respondent herein concerned in Cr.M.P.No.10/2022 dated 23.03.2022 and quash the order of detention passed therein by the 2nd respondent herein against the detenu and directing the respondents herein to produce the body and person of the detenu by name Ramesh, S/o.Mickel aged about 30 years, now detained at Central Prison, Tiruchirappalli, before this Court and setting him at liberty forthwith.

For Petitioner : Mr.M.R.Elavarasan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Made by **P.N.PRAKASH, J.**]

The petitioner is the mother of the detenu, Ramesh S/o.Mickel, aged 30 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.10/2022 dated 23.03.2022, 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 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 arrest intimation pertaining to the ground case has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on these grounds, the detention order is liable to be quashed.

4. The learned Additional Public Prosecutor appearing for the State submitted that the detenu was arrested on 02.02.2022 and remanded to judicial custody. The investigation was completed and final report has been filed on 05.04.2022 before the Mahila Court, Perambalur and the same was taken on file in Spl.S.C.No.30 of 2022 and the case is now posted on 06.01.2023 for collecting the Advocate Vakalat and for appearance of the



victim girl.

5. It is made clear that the Court below shall bear in mind the mandate provided under Section 33(5) of the POCSO Act and shall ensure that the victim girl is cross-examined on the same day when she is examined-in-chief.

6. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, Page No.26 of the booklet, it is clear that the arrest intimation pertaining to the ground case 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 Cr.M.P.No.10/2022 dated 23.03.2022, passed by the second respondent is set aside. The detenu, viz., Ramesh S/o.Mickel, aged 30 years, is directed to be released forthwith unless his detention is required in



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connection with any other case.

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[PNP, J.] [NAV, J.]
03.01.2023

Index: Yes/No
gm/ssr

To

- 1.The Mahila Court, Perambalur
(Spl.S.C.No.30 of 2022)
- 2.The Secretary to Government,
Government of Tamil Nadu
(Home) Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
- 3.The District Collector / District Magistrate,
Perambalur,
Perambalur District,
- 4.The Superintendent of Police,
Perambalur,
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- 5.The Superintendent,
Central Prison, Tiruchirapalli.



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and
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SSR

6.The Inspector of Police,
All Women Police Station, Perambalur,
Perambalur District.

7.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.

8.The Public Prosecutor,
High Court, Madras.

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