



HCP No.2542 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09..01..2023

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

and

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

H.C.P.No.2542 of 2022

Krithika
D/o.Ramalingam

.. Petitioner

Vs.

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

2.State Rep. by
District Collector and District Magistrate.
Perambalur District.

3.The Superintendent of Police,
Perambalur District.

4.The Superintendent of Prison,
Central Prison,
Thiruchirapalli.

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

.. Respondents



HCP No.2542 of 2022

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling the respondents to produce the records of detention order vide Cr.M.P.No.11/2022 against the detenu passed by the 1st respondent herein by an order dated 23.03.2022 and quash the same and produce the petitioner's brother Vignesh S/o.Ramalingam aged 29 years presently confined in Central Prison, Tiruchirapalli and set aside the same, consequently direct the respondents to produce the body of the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.S.Aswin Prasanna
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The petitioner is the sister of the detenu viz., Vignesh S/o.Ramalingam. The detenu has been detained by the second respondent by his order in Cr.M.P.No.11/2022 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.

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.



HCP No.2542 of 2022

3. The learned Additional Public Prosecutor submitted that the detenu was arrested on 07.02.2022 and the investigation was completed and final report was filed on 09.05.2022 which was taken on file by the learned Sessions Judge, Mahila Court, Perambalur, in Spl.S.C.No.8 of 2022 and the same has now been posted for the examination of the Investigating Officer.

4. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused on the ground that the arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this ground, the detention order is liable to be quashed.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, Page No.24 of the booklet, it is clear that the arrest intimation 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.11/2022 dated 23.03.2022 passed by the second respondent is set aside. The detenu viz., Vignesh S/o.Ramalingam, is directed to be



HCP No.2542 of 2022

released forthwith unless his detention is required in connection with any other

case.

WEB COPY

[P.N.P., J]

[N.A.V., J]

09..01..2023

Index: Yes/No

kmk

To

- 1.The Additional chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate.
Perambalur District.
- 3.The Superintendent of Police,
Perambalur District.
- 4.The Superintendent of Prison,
Central Prison,
Thiruchirapalli.
- 5.The Inspector of Police,
All Women Police Station,
Perambalur.
- 6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai – 9.
- 7.The Public Prosecutor, High Court, Madras.



HCP No.2542 of 2022

Copy to
WEB COPY

The Sessions Judge, Mahila Court, Perambalur, Perambalur District.
[Spl.S.C.No.8 of 2022]



WEB COPY



HCP No.2542 of 2022

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

kmk

H.C.P.No.2542 of 2022

09..01..2023