



H.C.P(MD)No.193 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P(MD)No.193 of 2023

Periyasamy

.. Petitioner

vs.

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

2.The Commissioner of Police,
Madurai City, Madurai.

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

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records pertaining to the impugned Detention Order passed by the second respondent in Preventive Detention Order No.89/BCDFGISSSV/2022, dated 16.12.2022, detaining the detenu under Section 2(ggg) of the Tamil Nadu Act 14/1982 as a Sexual Offender and quash the same and direct the respondents to produce the



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detenu namely Chandru. S/o.Periyasamy, aged about 20 years, who is detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.Poornachandran

For respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

The petitioner is the father of the detenu viz., Chandru. S/o.Periyasamy, aged about 20 years. The detenu has been detained by the second respondent by order in No.89/BCDFGISSSV/2022, dated 16.12.2022, 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.



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3. Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. The learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 17.10.2022, the detention order was passed only on 16.12.2022 i.e., after a considerable delay of nearly two months. Therefore, the detention order has to be set aside.

4. The learned Additional Public Prosecutor strongly opposed this petition by filing counter.

5. As seen from the grounds of detention, it is clear that though the detenu was arrested on 17.10.2022, the order of detention came to be passed only on 16.12.2022 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

6. We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the



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delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.89/BCDFGISSSV/2022, dated 16.12.2022, passed by the second respondent is set aside. The detenu, viz., Chandru. S/o.Periyasamy, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R., J.)

(M.N.K., J.)

25.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

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- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Superintendent of Prison,
Central Prison,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Joint Secretary,
Public (Law and Order) Department,
Fort St.George, Chennai.



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and
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