



HCP(MD)No.531 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.531 of 2023

Kala

.. Petitioner / Mother of the Detenu

Vs.

- 1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai – 9.
- 2.The District Collector and District Magistrate,
Pudukottai,
Pudukottai District.
- 3.The Superintendent,
Central Prison,
Trichy,
Trichy District.
- 4.The Superintendent of Police,
Pudukottai,
Pudukottai District.



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5. The Deputy Inspector General of Police,
Tiruchirappalli Range,
Tiruchirappalli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire records leading to the detention of petitioner's son namely Prasath @ Prasanth Son of Late.Chinnaiah aged about 19 years has been detained under Section 2(ggg) of the Tamilnadu Act 14 of 1982 as a “sexual offender” vide detention order dated 28.02.2023 on the file of the second respondent herein made in proceedings P.D.O. No.08/2023 dated 28.02.2023 and quash the same and consequently direct the respondents herein to produce said detenu before this Court and thereafter set him at liberty from Central Prison at Trichy.

For Petitioner : M/s.M.Benazir Begum

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is the mother of the detenu viz., Prasath @ Prasanth, aged about 19 years, S/o.Chinnaiah. The detenu has been detained by the second respondent by his order in P.D.O. No.08/2023 dated 28.02.2023 holding him to be a "Sexual Offender", as contemplated under Section



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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.

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 26.10.2022, the detention order was passed only on 28.02.2023, i.e., after a considerable delay of four months. Therefore, the detention order has to be set aside.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing his counter. It is further submitted that investigation has been completed in this case and final report has been filed in Spl.S.C.No.10/2023 and the same is pending before the Mahila Court, Pudukkottai.



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5. As seen from the grounds of detention, it is clear that though the detenu was arrested on 26.10.2022, the order of detention came to be passed only on 28.02.2023 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 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 P.D.O. No.08/2023 dated 28.02.2023 passed by the second respondent is set aside. The detenu, viz., Prasath @ Prasanth, S/o.Chinnaiah, aged about 19 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.)
22.08.2023

NCC : Yes / No
Index : Yes / No
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Pudukottai District.
5. The Deputy Inspector General of Police,
Tiruchirappalli Range,
Tiruchirappalli District.
6. The Joint Secretary to Government,
Public (Law and Order),
Fort St. George, Chennai.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
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