



HCP(MD)No.801 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.08.2023

CORAM

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

H.C.P.(MD)No.801 of 2023

Vinoth @ Iyyappan @ Ramadas

.. Petitioner /himself  
of detenu

Vs.

1.The Additional Chief Secretary to the Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai – 600 009.

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

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

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records pertaining to the impugned detention order passed by the second respondent made in his proceedings in CrI.M.P.No.02/2023 dated 14.02.2023 in detaining the



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detenu under Section 2(ggg) of the Tamilnadu Act 14 of 1982 as a Sexual Offender and quash the same and direct the respondents to produce the detenu namely Vinoth @ Iyyappan @ Ramadas, S/o.Radhakrishnan, Male, aged about 32 years, who is detained at Central Prison, Tiruchirappalli District, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.A.Thiruvadikumar  
Additional Public Prosecutor

### **ORDER**

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

The petitioner is the detenu viz., Vinoth @ Iyyappan @ Ramadas, aged about 32 years, S/o.Radhakrishnan. The detenu has been detained by the second respondent by his order in Cr.M.P.No.02/2023 dated 14.02.2023 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 20.12.2022, the detention order was passed only on 14.02.2023, i.e., after a considerable delay of 56 days. Therefore, the detention order has to be set aside.

4. As seen from the grounds of detention, it is clear that though the detenu was arrested on 20.12.2022, the order of detention came to be passed only on 14.02.2023 and hence, there is an abnormal delay in passing the order of detention, which caused prejudice to the interest of the detenu.

5. 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.

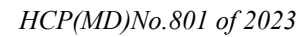


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6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.02/2023 dated 14.02.2023 passed by the second respondent is set aside. The detenu, viz., Vinoth @ Iyyappan @ Ramadas, S/o.Radhakrishnan, aged about 32 years, 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.)**  
**09.08.2023**

NCC : Yes / No  
Index : Yes / No  
Lm



To

1. The Additional Chief Secretary to the Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Chennai – 600 009.
2. The District Magistrate and District Collector,  
Karur District,  
Karur.
3. The Superintendent of Prison,  
Central Prison,  
Tiruchirappalli District.
4. The Joint Secretary to Government,  
Public (Law and Order),  
Fort St. George,  
Chennai.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.S.RAMESH,J.**  
**and**  
**M.NIRMAL KUMAR,J.**

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