



HCP(MD)No.1133 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.09.2023

CORAM

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

**H.C.P.(MD)No.1133 of 2023
and
CrI.M.P.(MD)No.12427 of 2023**

Petrick

.. Petitioner / Father
of the Detenu

Vs.

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

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

3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, calling for the entire records connected with



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the detention order of the 2nd respondent in H.S.(M)Confdl No.21/2023, dated 10.02.2023 and quash the same and direct the respondents to produce body or person of the detenu by name Anthony Satvik, son of Petrick, aged about 18 years, now detained as “Sexual Offender” at Palayamkottai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

The present Habeas Corpus Petition came up for admission on 11.09.2023 and we had granted eight weeks' time for the learned Additional Public Prosecutor to file his counter affidavit. Thereafter, it was brought to our notice that the detention orders in the case of detenus, who were detained under orders passed after the detenu herein was detained under Act 14, have been quashed by this Court. In this background, we are of the view that the present Habeas Corpus Petition can be taken out of turn and



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accordingly, the matter is listed before us today under the caption “for being spoken to”.

2. The petitioner is the father of the detenu viz., Anthony Satvik, S/o.Petrick, aged about 18 years. The detenu has been detained by the second respondent by his order in H.S.(M)Confdl No.21/2023 dated 10.02.2023 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.

3. 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.

4. Though the 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 though reliance has been placed by the detaining authority on the remand order, the copy of the remand order has



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not been furnished to the detenu. Therefore, he submitted that on the sole 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, when the detaining authority has placed reliance upon the remand order, the same has not been furnished to the detenu, which vitiates the order of detention.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M)Confdl No.21/2023, dated 10.02.2023 passed by the second respondent is set aside. The detenu, viz., Anthony Satvik, S/o.Petrick, aged about 18 years, is directed to be released forthwith unless his detention is required in connection with any other case. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (M.N.K.,J.)
26.09.2023

vsm
NCC : Yes / No
Index : Yes / No



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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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