



H.C.P.(MD) No.1593 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Kaantharooban

... Petitioner / father of the
Detenu

Vs.

1.The State rep.by

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.

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

3.The Superintendent,
Central Prison, Trichy.



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4.The Inspector of Police,
All Women Police Station,
Jeyamkondan, Ariyalur District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records relating to the impugned order of detention made in Cr.M.P.No.29 of 2022 dated 05.08.2022 on the file of the District Collector and District Magistrate, Ariyalur District, Ariyalur, the second respondent herein, branding the petitioner's son/detenu, by name, Kamaran, son of Kantharooban, aged 22 years as 'Sexual Offender' who is now confined in Central Prison, Tiruchirappalli, Tiruchirappalli District and quash the impugned order of detention and set him at liberty by producing him before this Court.

For Petitioner : Mr.T.A.Om Prakash

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

O R D E R

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The detention order dated 05.08.2022 made against the detenu by slapping the provisions of Tamil Nadu Act 14 of 1982 is under challenge in this Habeas Corpus Petition.



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2. Mr.T.A.Om Prakash, learned counsel appearing for the petitioner, among various grounds that have been raised, was very particular about the ground where he has stated that the paper book has been served on the detenu belatedly.

3. Heard Mr.T.A.Om Prakash, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents.

4. We have perused the records where it is stated that, the detention order is dated 05.08.2022, whereas, the paper book has been served on 13.08.2022 (i.e.,) eight days after the date of order. Therefore, there is a delay of two days in serving the paper book. Hence, on the short ground, we feel that the order impugned will not stand in the legal scrutiny.

5. Accordingly, the detention order passed in CrI.M.P.No.29 of 2022 dated 05.08.2022, by the second respondent, is set aside and this Habeas Corpus Petition is allowed. Therefore, the detenu, namely, Kamaran,



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S/o.Kantharooban, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(R.S.K., J.) & (K.K.R.K, J.)

13.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

ssb

To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-9.
- 2.The District Collector and District Magistrate,
Ariyalur District,
Ariyalur.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Inspector of Police,
All Women Police Station,
Jeyamkondan, Ariyalur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AND
K.K.RAMAKRISHNAN, J.

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