



H.C.P.(MD) No.1884 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD)No.1884 of 2022

Ravi @ Raveendran

... Petitioner / Detenu

Vs.

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The District Collector & District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District.

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

...Respondents



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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 the detention order of the Respondent No.2 in S.R.No.13/S.O/2022 dated 13.05.2022 and quash the same and direct the Respondents to produce the body or person of the detenu by name Ravi @ Raveendran son of Nagasamy aged about 49 years, now detained as “Sexual Offender” at Madurai Central Prison before this Honourable Court and set him at liberty forthwith.

For Petitioner : Mr.B.Mahendra Rajan

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

ORDER

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

The petitioner is the detenu. This Habeas Corpus Petition has been filed by him to call for the entire records connected with the detention order of the Respondent No.2 in S.R.No.13/S.O/2022 dated 13.05.2022 and quash the same and direct the Respondents to produce the body or person of the detenu by name Ravi @ Raveendran son of Nagasamy aged about 49 years, now detained as “Sexual Offender” at Madurai Central Prison before this Court and set him at liberty forthwith.



2. Heard Mr.B.Mahendra Rajan, learned counsel appearing for the petitioner, who would point out that, it is a solitary case, which has been shown as a ground case and he has been declared as a 'Sexual Offender' within the meaning of the provisions of Act 14 of 1982. In the ground case, he was arrested on 28.03.2022 and he has been incarceration for more than one year.

3. He would also submit that, based on the arrest that has been made on 28.03.2022, the detention order has been slapped on the detenu on 13.05.2022, hence, there has been an inordinate delay in passing the detention order and therefore, on that ground he seeks indulgence of this Court.

4. We have heard Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents, who would submit that between 28.03.2022 and 13.05.2022, the authorities had to take the statement under Section 164 Cr.P.C. from the victim, that causes some delay, hence, it cannot be stated that passing of the detention order dated 13.05.2022 is a belated one.



5. We have considered the said submissions made on both sides and perused the materials placed on record.

6. Assuming that, if it has taken some reasonable time to take the 164(5) statement, from that taking, whether for such an action, such a period from 28.03.2022 to 13.05.2022 was taken has to be looked into. In this context, we find that, the statement under Section 164(5) has been recorded on 13.04.2023 itself.

7. Even after recording the said statement, further one month time has been taken by the sponsoring authority to sponsor and to pass an order by the detaining authority on 13.05.2022, therefore, we consider it as a delay and on that ground itself the impugned detention order would not stand in the legal scrutiny and hence, this Habeas Corpus Petition has to be allowed.

8. In the result, the Habeas Corpus Petition is allowed. The order of detention passed by the second respondent, in S.R.No.13/S.O/2022 dated 13.05.2022, is set aside. Consequently, the detenu, namely, Ravi @



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Raveendran, son of Nagasamy, aged about 49 years, who is now detained at Central Prison, Madurai, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

(R.S.K., J.) & (K.K.R.K, J.)
21.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SJ

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
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2.The District Collector & District Magistrate,
Office of the District Collector and District Magistrate,
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AND
K.K.RAMAKRISHNAN, J.

SJ

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

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