



HCP(MD)No.2078 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.02.2023

CORAM

**THE HON'BLE DR. JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.2078 of 2022

Kalaiyarasi

.. Petitioner /Detenu's Mother

Vs.

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

2.The District Collector & District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.

3.The Superintendent of Prison,
Central Prison,
Thiruchirappalli.

.. Respondents

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 2nd respondent made in his proceedings in Detention Order C.O.C.No.03/2022 dated 17.02.2022 detaining the detenu



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under Section 2(ggg) of the Tamil Nadu Act 14 of 1982 as a “Sexual Offender” and quash the same and direct the respondents to produce the detenu namely Kaviyarasan, S/o.Paramasivam, male aged about 22 years, who is detained in Central Prison, Thiruchirappalli, before this Court and set him at liberty.

For Petitioner :Mr.Joseph Jerry

For Respondents :Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR. G.JAYACHANDRAN,J.
and
SUNDER MOHAN,J.

This Habeas Corpus Petition is filed by the mother of the detenu viz., Kaviyarasan, aged about 22 years, S/o.Paramasivam. The detenu has been detained by the second respondent, by his order in Detention Order C.O.C.No.03/2022 dated 17.02.2022 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.



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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. From the grounds case, which has given a subjective satisfaction to the detaining authority to detain the detenu under Act 14 of 1982, this Court finds that the detenu, who is a married man, having two children, has committed penetrative sexual assault with the minor girl and the trial has commenced. The grounds raised in the Habeas Corpus Petition alleging that non application of mind regarding the possibility of getting bail and the delay in disposing the representation does not carry any merit.

4. In view of the above, this Habeas Corpus Petition is dismissed.

(G.J.,J.) (S.M.,J.)
01.02.2023

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



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DR.G.JAYACHANDRAN,J.
and
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Ns

To

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Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector & District Magistrate,
Mayiladuthurai District,
Mayiladuthurai.
- 3.The Superintendent of Prison,
Central Prison,
Thiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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