



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :25.03.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)No.1123 of 2024

Rajapandiyan @ Gopinath

... Petitioner/Detenu

.Vs.

The State of Tamil Nadu, represented by

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
And District Magistrate,
Office of the District Collector and District Magistrate,
Theni District,Theni.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the entire records connected with the



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Detention Order of the second respondent in Detention Order No.22/2024, dated 22.5.2024 and to quash the same and to direct the respondents to produce the body or person of the detenu by name Rajapandiyan @ Gopinath, son of Loganathan, aged about 41 years, now detained as Sexual Offender at Madurai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.S.Ravi
1 to 3 Addl.Public Prosecutor

ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

The Habeas Corpus Petition is filed seeking a direction to call for the entire records connected with the Detention Order of the second respondent in Detention Order No.22/2024, dated 22.5.2024 and to quash the same and to direct the respondents to produce the body or person of the detenu by name Rajapandiyan @ Gopinath, son of Loganathan, aged about 41 years, now detained as Sexual Offender at Madurai Central Prison, before this Court and set him at liberty forthwith.



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2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. This Habeas Corpus Petition is filed challenging the detention order on the prime ground that the detenu is a eighth standard failed person. The documents furnished to him are in English and the translation of those documents in Tamil are not accurate, leading to difficulty in making proper representation. The Petitioner is an accused of committing sexual offence of his minor step-daughter.

4. According to the learned counsel for the Petitioner, there is no live and proximity between the alleged commission of offence and the detention order. According to him, detention order is passed based on a solitary case of sexual offence alleged to have been committed within the closed premise, for which, the detenu was arrested on 16.04.2024 and he is facing trial. The detention order was passed on 22.5.2024, when there is no material to show that there is threat to the public order.



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5. On a perusal of the documents, we find that in the detention order, Tamil translation is not accurate to that of the English version. The Detention Order being the fundamental document for the detenu to make effective representation, the said inaccuracy has caused prejudice to the detenu to make effective representation. It is therefore, on the said sole ground, the detention order is liable to be quashed and accordingly quashed.

6. In fine, the Habeas Corpus Petition is allowed. The detention order in Detention Order No. 22 of 2024, dated 22.05.2024, passed by the second respondent, is set aside. Consequently, the detenu, namely, Rajapandiyan @ Gopinath, son of Loganathan, aged about 41 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.

[G.J.,J.] [R.P.,J.]
25.03.2025

NCS : Yes/No



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Index : Yes / No

Internet : Yes / No

vsn

To

- 1.The Principal Secretary to Government,
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Secretariat, Chennai – 600 009.
- 2.The District Collector,
And District Magistrate,
Office of the District Collector and District Magistrate,
Theni District,Theni.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District

Copy to

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



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

ORDER MADE IN
H.C.P(MD)No.1123 of 2024



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