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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

HCP No. 80 of 2026

Swathi

..Petitioner(s)

Vs

1. The Government of Tamilnadu,
   Rep. by the Additional Chief Secretary,
   Home, Prohibition and Excise Department,
   Secretariat, Chennai.

2. The Commissioner of Police/Detaining
   Authority, Coimbatore City.

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

4. The Inspector of Police,
   Ramanathapuram Police Station,
   Coimbatore District.

..Respondent(s)

Prayer: Petition filed under Article 226 of the Constitution of India seeking for of a Writ of Habeas Corpus, calling for the records in Detention Order passed in C.No.185/G/IS/2025 dated 13.11.2025 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the person of the petitioner husband Thiru J.Vignesh @ Pujji aged 21 years S/o.Jegan confined in Central Prison, Coimbatore District before this Court and set him at liberty.

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For Petitioner(s): Mr.M.Muraliragul

For Respondent(s): Mr. C.R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

(Order of the Court was made by Sunder Mohan J.)

The wife of the detenu - J.Vignesh @ Pujji, aged 21 years, S/o.Jegan, has filed this petition challenging the detention order dated 13.11.2025, branding him as a 'Goonda' under Section 2(f) of the Tamil Nadu Preventive Detention Act, 1982 (Act 14/1982).

2. We have heard the learned counsel for the petitioner and the learned counsel for the Government of Tamil Nadu (Criminal Side) for respondents.

3. The detention order is liable to be quashed for more than one reason. Firstly, we find that pages 148 and 149 of volume I of the booklet supplied to the detenu is illegible. It is needless to say that furnishing of an illegible copy amounts to non-supply of the document.

4. In this context, it is useful to refer to the following observations of the Hon'ble Supreme Court in the case of ***'Powanammal Vs. State of Tamil Nadu'*** reported in ***'(1999) 2 SCC 413'.***

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"**9.**However, this Court has maintained a distinction between a document which has been relied upon by the detaining authority in the grounds of detention and a document which finds a mere reference in the grounds of detention. Whereas the non-supply of a copy of the document relied upon in the grounds of detention has been held to be fatal to continued detention, the detenu need not show that any prejudice is caused to him. This is because the non-supply of such a document would amount to denial of the right of being communicated the grounds and of being afforded the opportunity of making an effective representation against the order. But it would not be so where the document merely finds a reference in the order of detention or among the grounds thereof. In such a case, the detenu's complaint of non-supply of document has to be supported by prejudice caused to him in making an effective representation. What applies to a document would equally apply to furnishing a translated copy of the document in the language known to and understood by the detenu, should the document be in a different language.

..... **16.**For the above reasons, in our view, the non-supply of the Tamil version of the English document, on the facts and in the circumstances, renders her continued detention illegal. We, therefore, direct that the detenue be set free forthwith unless she is required to be detained in any other case. The appeal is accordingly allowed."

5. That apart, in the grounds of detention the detaining authority has stated that the detenu had filed a bail application in C.M.P.No.10415 of 2025

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before the Judicial Magistrate No.VI, Coimbatore, and that the same was dismissed on 27.10.2025; and that thereafter, the detenu had filed another bail application in CMP.No.4666 of 2025 before the Principal District and Sessions Judge, Coimbatore and that the same is pending; and that in a similar case, bail was granted to some other accused by the Judicial Magistrate No.II, Karur, in C.M.P.No.1311 of 2024 on 18.09.2024.

6.The detaining authority ought to have seen whether the facts in the bail order relied upon by him were comparable to the facts of the instant case. In the order relied upon by the detaining authority, there is no previous case pending as against the accused therein, whereas, in this case, the detenu has eight previous cases. Therefore, the reliance placed by the detaining authority on the said order in C.M.P.No.1311 of 2024 dated 18.09.2024, vitiates his subjective satisfaction as regards the possibility of the detenu coming out on bail. For both the reasons, the detention order is liable to be quashed.

7. In light of the aforesaid discussion, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent in C.No.185/G/IS/2025 dated 13.11.2025, is set aside.

8. The detenu, viz., J.Vignesh @ Pujji, aged 21 years, S/o.Jegan, who is now confined in Central Prison, Coimbatore, is hereby directed to be set at

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liberty forthwith unless his presence is required in connection with any other case.

(A.S.M.,J.) (S.M.,J.)
17-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

TSG

Note: Issue order copy today

To

1. The Additional Chief Secretary,
   Home, Prohibition and Excise Department,
   Secretariat, Chennai.

2. The Commissioner of Police/Detaining
   Authority, Coimbatore City.

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

4. The Inspector of Police,
   Ramanathapuram Police Station,
   Coimbatore District.

5. The Joint Secretary,
   Law and Order Department, Secretariat,
   Chennai – 600 009.

6. The Public Prosecutor,
   High Court of Madras.

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DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.

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