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H.C.P.No.1204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR  
AND  
THE HON'BLE MR.JUSTICE SUNDER MOHAN

H.C.P.No.1204 of 2023

P.Lakshmi

..

Petitioner

v.

1. The Government of Tamil Nadu  
rep.by its Secretary  
Home, Prohibition and Excise (XVI) Department  
Fort St.George, Chennai 600 009
  2. The District Collector  
Office of the District Collector and District Magistrate  
Kallakurichi, Kallakurichi District
  3. The Superintendent of Police  
Office of the Superintendent  
Kallakurichi District
  4. The Superintendent of Prison  
Central Prison, Cuddalore
  5. The Inspector of Police  
Chinnasalem Police Station  
Chinnasalam, Kallakurichi District ..
- Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the records in detention order D.No.C2/15/2023 dated 12.06.2023 on the file of the 2<sup>nd</sup> respondent and quash the same and direct the respondents herein to produce the body of the petitioner's husband Periyasamy, aged about 57 years, the detenu now confined in Central Prison, Cuddalore before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.C.K.Chandrasekhar

For Respondents :: Mr.E.Raj Thilak  
Additional Public Prosecutor  
assisted by Mr.C.Aravind, Advocate

**ORDER**

(Order of the Court was made by S.S.SUNDAR,J.)

The petitioner, who is the wife of the detenu, namely, Periyasamy, aged 57 years, S/o Ramasamy, has come forward with this petition challenging the detention order passed by the 2<sup>nd</sup> respondent dated 12.06.2023 slapped on her husband, branding him as 'Bootlegger' under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic



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Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video  
Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Though several grounds are raised in the petition, the learned counsel appearing for petitioner pointed out that the report of the Forensic Sciences Department dated 05.06.2023, relied upon by the detaining authority, found at page 74 of the booklet, is not translated in vernacular language and also not furnished to the detenu. The learned counsel also relied upon the judgment of the Hon'ble Supreme Court in the case of *Powanammal v. State of Tamil Nadu, (1999) 2 SCC 413* and contended that the non-supply of the translated version vitiates the detention order.

4. It is admitted that the detenu in the present case is an illiterate. We find that though the report of the Forensic Sciences Department dated 05.06.2023 is available at page 74 of the booklet in English, the translated



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version of the said document is not furnished to the detenu. The non-supply of the translated version to the detenu vitiates the detention order, as held by the Hon'ble Supreme Court in the case of ***Powanammal Vs. State of Tamil Nadu, (1999) 2 SCC 413*** holding that what applies to a document, would equally apply to furnishing translated copy of the document in the language known to and understood by the detenu. In the said judgment, the Hon'ble Supreme Court has further held as follows:-

*"6.The short question that falls for our consideration is whether failure to supply the Tamil version of the order of remand passed in English, a language not known to the detenue, would vitiate her further detention.*

.....

*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."*

In view of the judgment of the Hon'ble Supreme Court in *Powanammal's*



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case, the impugned detention order is liable to be set aside.

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5. Accordingly, the detention order passed by the 2<sup>nd</sup> respondent dated 12.06.2023 in D.O.No.C2/15/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Periyasamy, S/o Ramasamy, aged 57 years, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

10.11.2023

ss

To

1. The Secretary to Government  
Home, Prohibition and Excise (XVI) Department  
Fort St.George  
Chennai 600 009
2. The District Collector  
Office of the District Collector and District Magistrate  
Kallakurichi, Kallakurichi District
3. The Superintendent of Police  
Office of the Superintendent  
Kallakurichi District



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4. The Superintendent of Prison  
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6. The Public Prosecutor  
High Court, Madras



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SUNDER MOHAN,J.

SS

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