



H.C.P.No.1503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM :

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

H.C.P.No.1503 of 2023

Suguna
W/o Sekar

..

Petitioner

v.

1. State rep.by:
The Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai 600 009
2. The District Magistrate and
District Collector
Dharmapuri District
Dharmapuri
3. The Superintendent of Police
Dharmapuri District
Dharmapuri
4. The Superintendent of Prison
Central Prison, Salem



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5. The Inspector of Police
Eriyur Police Station

Dharmapuri District

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, to call for the records in S.C.No.04/2023 dated 27.05.2023 on the file of the second respondent and quash the detention as illegal and direct the respondents to produce the detenu, Thiru.Sethu @ Assault Sethu, S/o Sekar, aged about 21 years, Linekollai, Venkatapuram Post, Krishnagiri Taluk & District, now confined at Central Prison at Salem, before this Hon'ble Court and set him at liberty forthwith.

For Petitioner :: Mrs.S.Sengkodi

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 mother of the detenu, namely, Sethu @ Assault Sethu, aged 21 years, S/o Sekar, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 27.05.2023 slapped on her son, branding him as 'Goonda' under the Tamil



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Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic 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 before this Court that the accident register and the wound certificate, which are available in pages 255 & 256 of the booklet, are in English and the translated version of the accident register and the wound certificate were not supplied 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. This Court finds merit on his submission. The above issue is no longer res integra, as the Hon'ble Supreme Court in the case of ***Powanammal Vs. State of Tamil Nadu*** reported in (1999) 2 SCC 413 has held 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."



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5. In the case on hand, on perusal of the booklet, it is found that the accident register and the wound certificate are in English. But the booklet does not contain the translated version of the accident register as well as the wound certificate. Therefore, in view of the judgment of the Hon'ble Supreme Court in *Powanammal's case*, the impugned detention order is liable to be set aside.

6. In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 27.05.2023 in S.C.No.04/2023 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Sethu @ Assault Sethu S/o Sekar, aged 21 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

03.11.2023

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To

WEB COPY

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High Court, Madras



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AND

SUNDER MOHAN,J.

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