



H.C.P.No.230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.230 of 2024

V.Lakshmi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and
Excise Department,
For St. George, Chennai-600 009.

2.The District Collector and District Magistrate,
Kallakurichi Collectorate,
Kallakurichi District.

3.The Superintendent,
Central Prison, Cuddalore.

4.The Superintendent of Police,
Kallakurichi SP Office Building,
Kallakurichi District.



H.C.P.No.230 of 2024

WEB COPY

5. The Inspector of Police,
Sankarapuram Police Station,
Kallakuruchi District.

... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to call for the entire records leading to the detention of the petitioner's husband namely Vijayakanth, S/o.Muthusamy vide detention order dated 18.11.2023 on the file of the second respondent herein made in the proceedings in D.O.No.C2/24/2023, quash the same and consequently, direct the respondents herein to produce the body and person of the Vijayakanth, S/o.Muthusamy, aged about 32 years, before this Court and thereafter, set him at liberty from Central Prison, Cuddalore District.

For Petitioner	:	Mr.R.Thamarai Selvan
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor assisted by Mr.C.Aravind



WEB COPY



H.C.P.No.230 of 2024

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

The petitioner, wife of the detenu viz., Vijayakanth, S/o.Muthusamy, aged about 32 years, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 18.11.2023 slapped on her husband, branding him as "Bootlegger" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2.Heard the learned counsel 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 for the petitioner submitted that though the Detaining Authority has provided the English version of arrest card, arrest intimation form and the

Page 3 of 8



H.C.P.No.230 of 2024

certificate of probation enforcement wing case, the translated copy of the same has not been furnished to the petitioner in vernacular language, as seen from the Booklet. It is in this circumstances, the learned counsel stated that serious prejudice has been caused to the petitioner for making effective representation.

4. The above issue is already covered by the Hon'ble Supreme Court in the case of '**Powanammal Vs. State of Tamil Nadu**' reported in '**(1999) 2 SCC 413**', wherein, the Hon'ble Supreme Court 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.....



H.C.P.No.230 of 2024

WEB COPY

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. On a perusal of the Booklet, in particular, Page Nos.31, 32 and 48, which are the arrest card, arrest intimation form and certificate of the probation enforcement wing case issued by the Department of Forensic Medicine are in English and the translated copy of the said documents are not furnished to the detenu for making effective representation. Since a specific stand has been taken that serious prejudice is caused to the petitioner, this Court finds that the failure to furnish translated copy of the order passed in the similar case also vitiates the Detention Order.

6. In view of the ratio laid down by the Hon'ble Supreme Court and in view of the aforesaid facts, this Court is of the view that the detention order



H.C.P.No.230 of 2024

is liable to be quashed.

WEB COPY

7. Accordingly, the detention order passed by the second respondent on 18.11.2023 in D.O.No.C2/24/2023, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Vijayakanth, S/o.Muthusamy, aged about 32 years, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

(M.S.R., J.) (S.M., J.)
22.03.2024

Anu

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1.The Secretary to Government,
Home, Prohibition and
Excise Department,
For St. George, Chennai-600 009.

2.The District Collector and District Magistrate,
Kallakurichi Collectorate,
Kallakurichi District.

Page 6 of 8



H.C.P.No.230 of 2024

3. The Superintendent,
Central Prison, Cuddalore.

4. The Superintendent of Police,
Kallakurichi SP Office Building,
Kallakurichi District.

5. The Inspector of Police,
Sankarapuram Police Station,
Kallakuruchi District.

6. The Public Prosecutor,
High Court, Madras.



WEB COPY



H.C.P.No.230 of 2024

M.S.RAMESH J.
and
SUNDER MOHAN, J.

Anu

H.C.P.No.230 of 2024

22.03.2024